

117TH CONGRESS  
2D SESSION

# S. 3605

To amend the Higher Education Act of 1965 to provide formula grants to States to improve higher education opportunities for foster youth and homeless youth, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2022

Mr. CASEY (for himself, Mr. BROWN, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Higher Education Act of 1965 to provide formula grants to States to improve higher education opportunities for foster youth and homeless youth, 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 “Fostering Success in  
5       Higher Education Act of 2022”.

1 **SEC. 2. FORMULA GRANTS TO STATES TO IMPROVE HIGH-**  
 2 **ER EDUCATION OPPORTUNITIES FOR FOSTER**  
 3 **YOUTH AND HOMELESS YOUTH.**

4 Title VII of the Higher Education Act of 1965 (20  
 5 U.S.C. 1133 et seq.) is amended by adding at the end  
 6 the following:

7 **“PART F—GRANTS FOR IMPROVING ACCESS TO**  
 8 **AND SUCCESS IN HIGHER EDUCATION FOR**  
 9 **FOSTER YOUTH AND HOMELESS YOUTH**

10 **“SEC. 791. DEFINITIONS.**

11 “In this part:

12 “(1) FOSTER YOUTH.—The term ‘foster  
 13 youth’—

14 “(A) means an individual whose care and  
 15 placement is the responsibility of the State or  
 16 tribal agency that administers a State or tribal  
 17 plan under part B or E of title IV of the Social  
 18 Security Act (42 U.S.C. 621 et seq.; 670 et  
 19 seq.), without regard to whether foster care  
 20 maintenance payments are made under section  
 21 472 of such Act (42 U.S.C. 672) on behalf of  
 22 the individual; and

23 “(B) includes any individual—

24 “(i) whose care and placement was  
 25 the responsibility of such a State or tribal  
 26 agency when, or at any time after, the in-

dividual attained 13 years of age, without regard to whether foster care maintenance payments were made under section 472 of such Act (42 U.S.C. 672) on behalf of the individual; and

“(ii) who is no longer under the care and responsibility of such a State or tribal agency, without regard to any subsequent adoption, guardianship arrangement, or other form of permanency option.

“(2) HOMELESS YOUTH.—The term ‘homeless youth’ has the meaning given the term ‘homeless children and youths’ in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

“(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ‘Indian Tribe’ and ‘Tribal organization’ have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(4) STATE.—The term ‘State’ means each of the several States and the District of Columbia.

“(5) TERRITORY.—The term ‘territory’ means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the

1 Commonwealth of the Northern Mariana Islands,  
 2 the Republic of the Marshall Islands, the Federated  
 3 States of Micronesia, and the Republic of Palau.

4 **“SEC. 792. FORMULA GRANTS TO STATES TO IMPROVE AC-**  
 5 **CESS TO AND SUCCESS IN HIGHER EDU-**  
 6 **CATION FOR FOSTER YOUTH AND HOMELESS**  
 7 **YOUTH.**

8 “(a) GRANT PROGRAM ESTABLISHED.—From the  
 9 amount appropriated under subsection (h), the Secretary  
 10 shall make allotments under subsection (b), to States hav-  
 11 ing applications approved under subsection (c), to enable  
 12 each State to—

13 “(1) carry out the statewide transition initiative  
 14 described in subsection (d); and

15 “(2) make subgrants described in subsection  
 16 (e).

17 “(b) ALLOTMENTS.—

18 “(1) FORMULA.—

19 “(A) RESERVATION FOR INDIAN TRIBES  
 20 AND TERRITORIES.—

21 “(i) IN GENERAL.—From the amount  
 22 appropriated under subsection (h) for a  
 23 fiscal year and subject to clause (ii), the  
 24 Secretary shall reserve—

1 “(I) not more than 3 percent for  
2 grants to Indian Tribes, consortia of  
3 Indian Tribes, or Tribal organiza-  
4 tions; and

5 “(II) not more than 2 percent for  
6 grants to territories.

7 “(ii) REQUIREMENTS.—In awarding  
8 grants under this subparagraph, the Sec-  
9 retary—

10 “(I) shall not award a grant  
11 under subclause (I) or (II) of clause  
12 (i) for a fiscal year for which no In-  
13 dian Tribe (or consortium of Indian  
14 Tribes) or Tribal organization, or ter-  
15 ritory, respectively, submits a satisfac-  
16 tory application for a grant under  
17 such subclause;

18 “(II) shall require that any In-  
19 dian Tribe, consortium, Tribal organi-  
20 zation, or territory that receives a  
21 grant under this subparagraph pro-  
22 vide an assurance of a partnership  
23 among relevant education, child wel-  
24 fare, and homeless agencies or organi-  
25 zations; and

1 “(III) may determine any other  
 2 requirements with respect to such  
 3 grants (including the allocation, appli-  
 4 cation, and use of fund requirements),  
 5 which to the extent possible, shall be  
 6 consistent with the requirements for  
 7 States under this part, except that ap-  
 8 propriate adjustments shall be made  
 9 based on the needs and size of popu-  
 10 lations served by the Indian Tribe,  
 11 consortium, Tribal organization, or  
 12 territory applying for the grant.

13 “(B) RESERVATION FOR DEPARTMENT AC-  
 14 TIVITIES.—From the amount appropriated  
 15 under subsection (h) for a fiscal year, the Sec-  
 16 retary may reserve—

17 “(i) not more than 7 percent to—

18 “(I) provide technical assistance,  
 19 in consultation with the Secretary of  
 20 Health and Human Services, to  
 21 States carrying out activities under  
 22 this section; and

23 “(II) complete the evaluations re-  
 24 quired by subsection (g)(1); and

1 “(ii) not more than 3 percent for ad-  
2 ministrative expenses.

3 “(C) ALLOTMENTS.—From the amount  
4 appropriated under subsection (h) for fiscal  
5 year and remaining after the Secretary reserves  
6 funds under subparagraphs (A) and (B), the  
7 Secretary shall allot to each State the greater  
8 of—

9 “(i) \$500,000; or

10 “(ii) the amount that bears the same  
11 proportion to the remaining appropriated  
12 amount for such fiscal year as the number  
13 of foster youth and homeless youth in the  
14 State bears to the number of foster youth  
15 and homeless youth in all States.

16 “(D) RATABLE REDUCTION.—If the  
17 amount appropriated under subsection (h) for a  
18 fiscal year and remaining after the Secretary  
19 reserves funds under subparagraphs (A) and  
20 (B) is less than the amount required to be allot-  
21 ted to States under subparagraph (C), then the  
22 amount of the allotment to each State shall be  
23 ratably reduced.

24 “(2) STATE RESERVATION.—From the amounts  
25 awarded a State under paragraph (1)(C) for a fiscal

1 year, the State may reserve not more than 5 percent  
 2 for administrative expenses.

3 “(3) TEMPORARY INELIGIBILITY FOR SUBSE-  
 4 QUENT PAYMENTS.—

5 “(A) IN GENERAL.—The Secretary shall  
 6 determine a State to be temporarily ineligible to  
 7 receive a grant payment under this subsection  
 8 for a fiscal year if—

9 “(i) the State fails to submit an an-  
 10 nual report under subsection (f) for the  
 11 preceding fiscal year; or

12 “(ii) the Secretary determines, based  
 13 on information in such annual report, that  
 14 the State is not effectively—

15 “(I) meeting the outcomes de-  
 16 scribed in the application of such  
 17 State under subsection (c)(2)(C), and  
 18 does not have a plan to improve the  
 19 outcomes;

20 “(II) monitoring and evaluating  
 21 the activities under subsections (d)  
 22 and (e); or

23 “(III) using funds as required  
 24 under subsections (d) and (e).



1           “(B) REINSTATEMENT.—If the Secretary  
2           determines that a State is ineligible under sub-  
3           paragraph (A), the Secretary may enter into an  
4           agreement with the State setting forth the  
5           terms and conditions under which the State  
6           may regain eligibility to receive payments under  
7           this section.

8           “(c) APPLICATIONS.—

9           “(1) IN GENERAL.—For each fiscal year for  
10          which a State desires an allotment under subsection  
11          (b), the State shall submit an application to the Sec-  
12          retary at such time, in such manner, and containing  
13          the information described in paragraph (2).

14          “(2) INFORMATION REQUIRED.—An application  
15          submitted under paragraph (1) shall include the fol-  
16          lowing:

17               “(A) A plan for how the State will carry  
18               out the activities under subsections (d) and (e).

19               “(B) A description of the State’s capacity  
20               to carry out such activities.

21               “(C) A description of intended outcomes  
22               for such activities.

23               “(D) A plan for how the State will monitor  
24               and evaluate such activities, including how the

1 State will use data to continually update and  
2 improve such activities.

3 “(E) A description of how students will be  
4 identified and recruited for participation in the  
5 statewide transition initiative under subsection  
6 (d).

7 “(F) An estimate of the number and char-  
8 acteristics of the populations targeted for par-  
9 ticipation in the statewide transition initiative  
10 under subsection (d) with attention to the di-  
11 verse needs of homeless youth and foster youth  
12 in the State.

13 “(G) A description of how the State will  
14 coordinate services provided under the grant  
15 with services provided to foster youth and  
16 homeless youth under the McKinney-Vento  
17 Homeless Assistance Act (42 U.S.C. 11301 et  
18 seq.), the Elementary and Secondary Education  
19 Act of 1965, and the Runaway and Homeless  
20 Youth Act (34 U.S.C. 11201 et seq.), and other  
21 services provided to foster youth and homeless  
22 youth by the State.

23 “(H) An assurance that the State will  
24 comply with subtitle B of title VII of the

1 McKinney-Vento Homeless Assistance Act (42  
2 U.S.C. 11431 et seq.).

3 “(I) An assurance that the State will part-  
4 ner with State educational agencies, local edu-  
5 cational agencies, institutions of higher edu-  
6 cation, State and local child welfare authorities,  
7 and other relevant organizations that serve fos-  
8 ter youth or homeless youth.

9 “(J) An assurance that the State will sub-  
10 mit the annual report required under subsection  
11 (f).

12 “(K) A budgetary analysis of the use of  
13 funds awarded under this section.

14 “(L) Such other information as the Sec-  
15 retary may require.

16 “(d) STATEWIDE TRANSITION INITIATIVE.—

17 “(1) USE OF FUNDS.—Subject to subsection  
18 (b)(2), and in consultation and coordination with the  
19 entities described in paragraph (2), a State receiving  
20 a grant award under this section shall use not less  
21 than 25 percent of the funds to—

22 “(A) provide intensive outreach and sup-  
23 port to foster youth and homeless youth to—

1 “(i) improve the understanding and  
2 preparation of such youth for enrollment in  
3 institutions of higher education;

4 “(ii) increase the number of applica-  
5 tions to institutions of higher education  
6 submitted by such youth; and

7 “(iii) increase the number of enroll-  
8 ments of such youth at institutions of  
9 higher education;

10 “(B) provide education to foster youth and  
11 homeless youth with respect to—

12 “(i) the benefits and opportunities of  
13 postsecondary education;

14 “(ii) planning for postsecondary edu-  
15 cation;

16 “(iii) financial aid opportunities for  
17 enrollment at an institution of higher edu-  
18 cation;

19 “(iv) the Federal and State services  
20 and benefits available to foster youth and  
21 homeless youth while enrolled at an insti-  
22 tution of higher education, including health  
23 and mental health services;

24 “(v) career exploration; and

1 “(vi) financial literacy training, in-  
2 cluding security from identity theft;

3 “(C) assist foster youth and homeless  
4 youth with submitting applications for—

5 “(i) enrollment at an institution of  
6 higher education;

7 “(ii) financial aid for such enrollment;  
8 and

9 “(iii) scholarships available for such  
10 students, including under a State edu-  
11 cational and training voucher program re-  
12 ferred to in section 477(i) of the Social Se-  
13 curity Act (42 U.S.C. 677(i)); and

14 “(D) provide free programming, which may  
15 include free transportation to and from such  
16 programming, for foster youth and homeless  
17 youth to prepare such individuals socially and  
18 academically for the rigors of postsecondary  
19 education during the summer before such indi-  
20 viduals first attend an institution of higher edu-  
21 cation.

22 “(2) REQUIRED CONSULTATION AND COORDI-  
23 NATION.—In carrying out the activities described in  
24 paragraph (1), a State shall consult and coordinate  
25 with State educational agencies, local educational

1 agencies, institutions of higher education, State and  
 2 local child welfare authorities, and other relevant or-  
 3 ganizations that serve foster youth or homeless  
 4 youth.

5 “(e) SUBGRANTS TO CREATE INSTITUTIONS OF EX-  
 6 CELLENCE.—

7 “(1) IN GENERAL.—Subject to subsection  
 8 (b)(2), a State receiving a grant under this section  
 9 shall, acting through the administering State agen-  
 10 cy, use not less than 70 percent of the funds to  
 11 award, on a competitive basis, subgrants to eligible  
 12 institutions to enable such institutions to become in-  
 13 stitutions of excellence by improving college access,  
 14 retention, and completion rates for foster and home-  
 15 less youth as described in paragraph (3).

16 “(2) APPLICATION.—

17 “(A) IN GENERAL.—An eligible institution  
 18 desiring a subgrant under this subsection shall  
 19 submit an application to the State in which  
 20 such eligible institution is located, at such time,  
 21 in such manner, and containing such informa-  
 22 tion as the State may require.

23 “(B) TECHNICAL ASSISTANCE.—Each  
 24 State receiving an allotment under this section  
 25 shall provide outreach and technical assistance

1 to eligible institutions with respect to applica-  
2 tions for subgrants under this subsection.

3 “(3) ACTIVITIES.—An eligible institution that  
4 receives a subgrant under this subsection shall use  
5 the subgrant funds to carry out the following activi-  
6 ties with respect to homeless youth and foster youth:

7 “(A) Provide flexibility and assistance in  
8 completing the application process to enroll at  
9 such institution.

10 “(B) Coordinate programs with relevant  
11 on- and off-campus stakeholders to increase the  
12 enrollment of such youth at the institution and  
13 align services at the institution for such youth.

14 “(C) Adjust the cost of attendance for  
15 such youth at such eligible institution to include  
16 the cost of housing during periods of non-enroll-  
17 ment.

18 “(D) Provide institutional aid to such stu-  
19 dents to meet the cost of attendance that is not  
20 covered by other Federal or State educational  
21 grants.

22 “(E) Provide outreach to such students to  
23 ensure that such youth are aware of housing re-  
24 sources available during periods of non-enroll-  
25 ment.

1           “(F) Subsidize any fees for such students  
2           associated with orientation and offer free trans-  
3           portation to the orientation or move-in week at  
4           the eligible institution.

5           “(G) Hire and provide training for at least  
6           one full-time staff member at the eligible insti-  
7           tution to serve as a point of contact to provide  
8           case management services and monthly face-to-  
9           face meetings with students who are foster  
10          youth or homeless youth. Such individual shall  
11          have an advanced degree and at least two years  
12          of relevant experience.

13          “(H) Establish or enhance campus support  
14          programs to provide such students with a wide-  
15          range of on-campus services, including—

16                  “(i) assistance with financial aid;

17                  “(ii) career advice; and

18                  “(iii) leadership development.

19          “(I) Ensure the availability of robust  
20          health services (physical and mental) that meet  
21          the specific needs of foster youth and homeless  
22          youth.

23          “(J) Establish or expand early alert sys-  
24          tems to identify and support such students who  
25          may be struggling academically.



1           “(K) For each such student with reason-  
 2           able, unanticipated expenses that would not be  
 3           covered by the institutional aid provided under  
 4           subparagraph (D) and that would be necessary  
 5           for the student to persist in college during an  
 6           academic year, provide the student with access  
 7           to an emergency grant to help cover such ex-  
 8           penses.

9           “(L) Collect, review, and monitor data for  
 10          program improvement.

11          “(4) RELIANCE ON INSTITUTIONAL AID OR  
 12          EMERGENCY GRANTS.—Any institutional aid or  
 13          emergency grant funds provided to a student under  
 14          subparagraph (D) or (K) of paragraph (3) by an eli-  
 15          gible institution during the period of the institution’s  
 16          subgrant under this subsection shall continue to be  
 17          provided during the student’s continuous enrollment  
 18          at the institution, without regard to whether the  
 19          subgrant period ends during such enrollment.

20          “(5) DEFINITIONS.—In this subsection:

21               “(A) ADMINISTERING STATE AGENCY.—  
 22               The term ‘administering State agency’ means a  
 23               State agency—

1 “(i) designated by the Governor or ex-  
 2 ecutive of the State to administer the sub-  
 3 grants under this subsection; and

4 “(ii) that, with respect to such State,  
 5 has jurisdiction over—

6 “(I) foster youth;

7 “(II) homeless youth;

8 “(III) elementary and secondary  
 9 education; or

10 “(IV) higher education.

11 “(B) ELIGIBLE INSTITUTION.—The term  
 12 ‘eligible institution’ means an institution of  
 13 higher education—

14 “(i) that is in partnership with—

15 “(I) the State child welfare agen-  
 16 cy that is responsible for the adminis-  
 17 tration of the State plan under part B  
 18 or E of title IV of the Social Security  
 19 Act (42 U.S.C. 621 et seq.; 670 et  
 20 seq.); and

21 “(II) an organization that serves  
 22 homeless youth (such as a youth shel-  
 23 ter or outreach program); and

24 “(ii) that may partner with any other  
 25 provider, agency, official, or entity that

1 serves foster youth and homeless youth, or  
2 former foster youth and homeless youth.

3 “(f) STATE REPORTS.—For each year in which a  
4 State receives an allotment under subsection (b), the State  
5 shall prepare and submit a report to the Secretary that  
6 includes—

7 “(1) each activity or service that was carried  
8 out under this section;

9 “(2) the cost of providing each such activity or  
10 service;

11 “(3) the number of students who received each  
12 activity or service disaggregated by demographics;

13 “(4) using qualitative and quantitative analysis,  
14 how the State—

15 “(A) improved access to higher education  
16 for foster youth and homeless youth; and

17 “(B) measured youth satisfaction with ac-  
18 tivities carried out under this part;

19 “(5) an analysis of the implementation and  
20 progress of the statewide transition initiative under  
21 subsection (d), including challenges and changes  
22 made to the initiative throughout the preceding year;

23 “(6) if, based on the analysis under paragraph  
24 (5), the State determines that the program is not on  
25 track to meet the intended outcomes described in the

1 application of the State under subsection (c)(2)(C),  
2 a description of how the State plans to meet such  
3 intended outcomes; and

4 “(7) information on the eligible institutions re-  
5 ceiving subgrants, including how such institutions  
6 used subgrant funds to carry out the activities de-  
7 scribed in subsection (e)(3).

8 “(g) DEPARTMENT ACTIVITIES.—

9 “(1) EVALUATIONS.—Beginning on the date on  
10 which funds are first allotted under subsection (b),  
11 and annually thereafter, the Secretary shall evaluate  
12 recipients of allotments and subgrants under this  
13 section. The results of such evaluations shall be  
14 made publicly available on the website of the De-  
15 partment.

16 “(2) REPORT TO CONGRESS.—Not later than 1  
17 year after the date on which funds are first allotted  
18 under subsection (b), and annually thereafter, the  
19 Secretary shall submit a report to Congress that in-  
20 cludes—

21 “(A) the amount of each allotment under  
22 subsection (b);

23 “(B) the amount of each subgrant under  
24 subsection (e); and

1                   “(C) with respect to the year for which  
2                   such report is made, the results of the evalua-  
3                   tions under paragraph (1).

4           “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
5 is authorized to be appropriated to carry out this section  
6 \$150,000,000 for fiscal year 2022 and each of the 5 suc-  
7 ceeding fiscal years.”.

○