

117TH CONGRESS
2D SESSION

S. 4795

To amend the Higher Education Act of 1965 to authorize a program to recognize institutions of higher education that offer outstanding services and programs for foster and homeless youth, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7, 2022

Ms. STABENOW (for herself 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 authorize a program to recognize institutions of higher education that offer outstanding services and programs for foster 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 Postsec-
5 ondary Success for Foster and Homeless Youth Act of
6 2022”.

1 **SEC. 2. RECOGNITION OF FOSTER CARE YOUTH- AND**
 2 **HOMELESS YOUTH-FRIENDLY INSTITUTIONS**
 3 **OF HIGHER EDUCATION.**

4 Title VIII of the Higher Education Act of 1965 (20
 5 U.S.C. 1161a et seq.) is amended by adding at the end
 6 the following new part:

7 **“PART BB—FOSTER CARE YOUTH- AND**
 8 **HOMELESS YOUTH-FRIENDLY INSTITUTIONS**
 9 **“SEC. 899. RECOGNITION OF FOSTER CARE YOUTH- AND**
 10 **HOMELESS YOUTH-FRIENDLY INSTITUTIONS**
 11 **OF HIGHER EDUCATION.**

12 “(a) GENERAL AUTHORITY.—The Secretary shall
 13 recognize eligible institutions that offer outstanding sup-
 14 port services and other programs tailored to the needs of
 15 foster care youth and homeless youth.

16 “(b) DESIGNATION.—An eligible institution recog-
 17 nized by the Secretary under subsection (a) shall be des-
 18 ignated as ‘Foster and Homeless Youth Friendly’.

19 “(c) APPLICATION.—To be considered for recognition
 20 under subsection (a), an eligible institution shall submit
 21 to the Secretary an application at such time, in such man-
 22 ner, and containing such information as the Secretary may
 23 require. At a minimum, each application shall include a
 24 detailed description of the programs and services available
 25 for, and that serve, foster care youth and homeless youth

1 that are offered by the institution, which may include pro-
2 grams and services such as—

3 “(1) mentorship programs that formally match
4 foster care youth and homeless youth with a peer or
5 adult mentor;

6 “(2) academic support services to supplement
7 or complement the classroom instruction provided to
8 foster care youth and homeless youth;

9 “(3) housing assistance programs under which
10 the institution provides—

11 “(A) on-campus or off-campus housing di-
12 rectly to foster care youth and homeless youth;
13 or

14 “(B) financial support to cover the housing
15 costs of foster care youth and homeless youth;

16 “(4) life and workforce skills development pro-
17 grams that teach or enhance the skills that foster
18 care youth and homeless youth may require to be
19 successful in their personal and professional lives;

20 “(5) financial aid or scholarships available ex-
21 clusively to foster care youth and homeless youth;

22 “(6) counseling or mental health services pro-
23 vided by a licensed professional with expertise in
24 serving foster care youth and homeless youth;

1 “(7) case management services and efforts to
2 facilitate participation in other Federal assistance
3 programs for which students may be eligible;

4 “(8) an institutional point of contact for such
5 students; and

6 “(9) such other programs and services as the
7 Secretary determines to be appropriate in consulta-
8 tion with the individuals and entities described in
9 subsection (e).

10 “(d) SELECTION PROCESS.—

11 “(1) GENERAL REQUIREMENTS.—

12 “(A) ANNUAL, MERIT-BASED SELEC-
13 TION.—On an annual basis, the Secretary shall
14 select eligible institutions for recognition under
15 subsection (a) from among institutions that
16 submit applications to the Secretary under sub-
17 section (c). The Secretary shall select such in-
18 stitutions on a competitive basis, based solely
19 on merit.

20 “(B) GEOGRAPHIC DIVERSITY NOT RE-
21 QUIRED.—The Secretary shall not consider geo-
22 graphic diversity among the States as a factor
23 in the selection of eligible institutions for rec-
24 ognition under subsection (a).

1 “(2) CRITERIA AND PROCEDURES.—Consistent
2 with paragraph (1), the Secretary shall issue guide-
3 lines setting forth criteria and procedures for the se-
4 lection of institutions for recognition under sub-
5 section (a). The guidelines shall be developed and
6 implemented as follows:

7 “(A) DRAFT GUIDELINES.—Not later than
8 180 days after the date of the enactment of this
9 section, the Secretary shall issue draft guide-
10 lines, which shall be made available for public
11 comment for a period of not less than 90 days.

12 “(B) REVISED GUIDELINES.—Not later
13 than 90 days after the end of the public com-
14 ment period specified in subparagraph (A), the
15 Secretary shall issue revised guidelines, which
16 shall be made available for public comment for
17 a period of not less than 30 days.

18 “(C) FINAL GUIDELINES.—Not later than
19 30 days after the end of the public comment pe-
20 riod specified in subparagraph (B), the Sec-
21 retary shall publish and implement the final
22 guidelines.

23 “(e) CONSULTATION.—In carrying out the program
24 under this section, the Secretary shall consult with appro-

1 priate individuals and entities outside the Department of
 2 Education, which may include—

3 “(1) other Federal agencies;

4 “(2) State agencies;

5 “(3) institutions of higher education;

6 “(4) nonprofit and advocacy organizations;

7 “(5) current and former foster care youth; and

8 “(6) students who have experienced homeless-
 9 ness.

10 “(f) INFORMATION SHARING.—On an annual basis,
 11 the Secretary shall publish, on a publicly accessible
 12 website of the Department of Education—

13 “(1) a profile of each institution recognized
 14 under subsection (a) in the most recent year; and

15 “(2) a comprehensive list of all institutions pre-
 16 viously recognized under subsection (a).

17 “(g) ENSURING CONTINUITY OF QUALITY PROGRAMS
 18 AND SERVICES FOR FOSTER AND HOMELESS YOUTH.—

19 “(1) INSTITUTIONAL REVIEW.—

20 “(A) IN GENERAL.—Not less frequently
 21 than once every 5 years, the Secretary shall re-
 22 view each institution recognized under sub-
 23 section (a) to determine whether the programs
 24 and services provided by the institution con-

1 tinue to meet the criteria required for such rec-
2 ognition.

3 “(B) NOTICE.—If the Secretary deter-
4 mines under subparagraph (A) that an institu-
5 tion no longer meets the criteria for recognition
6 under subsection (a), the Secretary shall trans-
7 mit written notice of such determination to the
8 institution.

9 “(C) REVOCATION.—After transmitting
10 the notice required under subparagraph (B),
11 the Secretary shall—

12 “(i) revoke the institution’s recogni-
13 tion under subsection (a); and

14 “(ii) remove the profile established for
15 the institution under subsection (f)(1)
16 from the website of the Department of
17 Education.

18 “(D) REAPPLICATION.—An institution
19 that loses recognition under subsection (a) may
20 reapply for such recognition in a subsequent ap-
21 plication year.

22 “(2) BRIEFING.—Not later than 3 years after
23 the date of enactment of this section, and not less
24 frequently than once every 2 years thereafter, the

1 Secretary shall provide to Congress a briefing that
2 identifies—

3 “(A) strategies used by institutions that
4 proved effective in meeting the needs of foster
5 care youth and homeless youth; and

6 “(B) recommendations on how to improve
7 programs and services for foster care youth and
8 homeless youth.

9 **“SEC. 899A. TRAINING, EVALUATION, AND INFORMATION**
10 **CENTER.**

11 “(a) IN GENERAL.—Not later than 2 years after the
12 date of enactment of this section, the Secretary shall es-
13 tablish a Center for Fostering Postsecondary Success for
14 Foster and Homeless Youth (referred to in this section
15 as the ‘Center’).

16 “(b) DUTIES.—The duties of the Center shall be to
17 assist institutions of higher education in establishing and
18 maintaining programs for foster care youth and homeless
19 youth, including by—

20 “(1) providing technical assistance;

21 “(2) collecting, evaluating, and delivering infor-
22 mation on best practices for such programs; and

23 “(3) maintaining resources to help foster care
24 youth and homeless youth navigate postsecondary
25 education.

1 “(c) COOPERATIVE AGREEMENT.—For the purpose
2 of carrying out this section, the Secretary may enter into
3 cooperative agreements with one or more organizations
4 with expertise in support services and other programs tai-
5 lored to the needs of foster care youth and homeless youth,
6 including—

7 “(1) nonprofit nongovernmental organizations;

8 “(2) Federal and State government agencies;

9 “(3) institutions of higher education, including
10 public, private, and land-grant colleges and univer-
11 sities, and minority-serving institutions; and

12 “(4) such other organizations as the Secretary
13 determines to be appropriate.

14 “(d) PRIORITY.—In entering into agreements with
15 organizations under subsection (c), Secretary shall give
16 priority to organizations that—

17 “(1) are capable of engaging with foster care
18 youth and homeless youth and programs that serve
19 such youth and demonstrate expertise in under-
20 standing the unique needs of such youth;

21 “(2) demonstrate the capacity to effectively im-
22 plement outreach, training, and coordination func-
23 tions;

24 “(3) are capable of producing resources and
25 materials that can easily be replicated and distrib-

1 uted to institutions of higher education in multiple
2 formats;

3 “(4) have working partnerships with—

4 “(A) nonprofit and private sector organiza-
5 tions; and

6 “(B) local, State, and Tribal governments;

7 “(5) have the ability to work in underserved
8 communities; and

9 “(6) have an organizational mission aligned
10 with goals of the program under this part.

11 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to provide the Center with the au-
13 thority to issue mandates to, or impose requirements on,
14 any institution of higher education.

15 “(f) LIMITATION ON USE OF FUNDS.—

16 “(1) LIMITATION ON USE OF FUNDS FOR ES-
17 TABLISHMENT.—Of the funds made available to
18 carry out this part for each of fiscal years 2022 and
19 2023, the Secretary may use not more than
20 \$2,000,000 in each fiscal year to establish the Cen-
21 ter.

22 “(2) LIMITATION ON USE OF FUNDS FOR OPER-
23 ATION.—Of the funds made available to carry out
24 this part for each fiscal year beginning after fiscal
25 year 2023, the Secretary may use not more than

1 \$1,000,000 in each fiscal year to support the oper-
2 ations of the Center.

3 **“SEC. 899B. DEFINITIONS.**

4 “In this part:

5 “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-
6 ble institution’ means—

7 “(A) an institution of higher education (as
8 defined in section 101); or

9 “(B) a postsecondary educational institu-
10 tion operated or controlled by the Bureau of In-
11 dian Education.

12 “(2) FOSTER CARE YOUTH.—The term ‘foster
13 care youth’ means an individual whose care and
14 placement is the responsibility of the State or Tribal
15 agency that administers a State or Tribal plan
16 under part B or E of title IV of the Social Security
17 Act (42 U.S.C. 621 et seq.; 670 et seq.), without re-
18 gard to whether foster care maintenance payments
19 are made under section 472 of such Act (42 U.S.C.
20 672) on behalf of the individual, including any such
21 individual who was in such care on or after attaining
22 13 years of age and without regard to the reason the
23 individual left such care.

24 “(3) HOMELESS YOUTH.—The term ‘homeless
25 youth’ has the meaning given the term ‘homeless

1 children and youths' in section 725 of the McKin-
2 ney-Vento Homeless Assistance Act (42 U.S.C.
3 11434a).

4 “(4) MINORITY-SERVING INSTITUTION.—The
5 term ‘minority-serving institution’ means an eligible
6 institution described in section 371(a) of the Higher
7 Education Act of 1965 (20 U.S.C. 1067q(a)).”.

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