

118TH CONGRESS
1ST SESSION

S. 2849

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2023

Mr. CASEY (for himself, Mr. BROWN, Ms. SMITH, Mr. LUJÁN, Ms. KLOBUCHAR, and Ms. STABENOW) 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 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 2023”.

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 Trib-
 17 al plan under part B or E of title IV of the So-
 18 cial 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-

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

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

11 “(2) HOMELESS YOUTH.—The term ‘homeless
12 youth’ has the meaning given the term ‘homeless
13 children and youths’ in section 725 of the McKin-
14 ney-Vento Homeless Assistance Act (42 U.S.C.
15 11434a).

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

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

23 “(5) TERRITORY.—The term ‘territory’ means
24 the Commonwealth of Puerto Rico, the United
25 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 a 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 subsection.

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—

13 “(A) at such time and in such manner as
14 the Secretary may require; and

15 “(B) containing the information described
16 in paragraph (2).

17 “(2) INFORMATION REQUIRED.—An application
18 submitted under paragraph (1) shall include the fol-
19 lowing:

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

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

24 “(C) A description of intended outcomes
25 for such activities.

1 “(D) A plan for how the State will monitor
2 and evaluate such activities, including how the
3 State will use data to continually update and
4 improve such activities.

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

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

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

1 “(H) An assurance that the State will
2 comply with subtitle B of title VII of the
3 McKinney-Vento Homeless Assistance Act (42
4 U.S.C. 11431 et seq.).

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

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

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

16 “(L) Such other information as the Sec-
17 retary may require.

18 “(d) STATEWIDE TRANSITION INITIATIVE.—

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

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

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

5 “(ii) increase the number of applica-
6 tions to institutions of higher education
7 submitted by foster youth and homeless
8 youth; and

9 “(iii) increase the number of enroll-
10 ments of foster youth and homeless youth
11 at institutions of higher education;

12 “(B) provide education to foster youth and
13 homeless youth with respect to—

14 “(i) the benefits and opportunities of
15 postsecondary education;

16 “(ii) planning for postsecondary edu-
17 cation;

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

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

1 “(v) career exploration; and

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

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

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

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

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

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

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

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

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

8 “(1) IN GENERAL.—Subject to subsection
9 (b)(2), a State receiving a grant under this section
10 shall, acting through the administering State agen-
11 cy, use not less than 70 percent of the funds to
12 award, on a competitive basis, subgrants to eligible
13 institutions to enable such institutions to become in-
14 stitutions of excellence by improving access, reten-
15 tion, and completion rates at eligible institutions for
16 foster and homeless youth as described in paragraph
17 (3).

18 “(2) APPLICATION.—

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

1 “(B) TECHNICAL ASSISTANCE.—Each
2 State receiving an allotment under this section
3 shall provide outreach and technical assistance
4 to eligible institutions with respect to applica-
5 tions for subgrants under this subsection.

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

10 “(A) Provide flexibility and assistance in
11 completing the application process to enroll at
12 such institution.

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

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

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

1 “(E) Provide outreach to such students to
2 ensure that such youth are aware of housing re-
3 sources available during periods of non-enroll-
4 ment.

5 “(F) Subsidize any fees for such students
6 associated with orientation and offer free trans-
7 portation to the orientation or move-in week at
8 the eligible institution.

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

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

20 “(i) assistance with financial aid;

21 “(ii) career advice; and

22 “(iii) leadership development.

23 “(I) Ensure the availability of robust
24 health services (physical and mental) that meet

1 the specific needs of foster youth and homeless
2 youth.

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

6 “(K) For each such student with reason-
7 able, unanticipated expenses that would not be
8 covered by the institutional aid provided under
9 subparagraph (D) and that would be necessary
10 for the student to persist in higher education
11 during an academic year, provide the student
12 with access to an emergency grant to help cover
13 such expenses.

14 “(L) Collect, review, and monitor data for
15 program improvement.

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

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

1 “(A) ADMINISTERING STATE AGENCY.—

2 The term ‘administering State agency’ means a
3 State agency—

4 “(i) designated by the Governor or ex-
5 ecutive of the State to administer the sub-
6 grants under this subsection; and

7 “(ii) that, with respect to such State,
8 has jurisdiction over—

9 “(I) foster youth;

10 “(II) homeless youth;

11 “(III) elementary and secondary
12 education; or

13 “(IV) higher education.

14 “(B) ELIGIBLE INSTITUTION.—The term
15 ‘eligible institution’ means an institution of
16 higher education that—

17 “(i) is in partnership with—

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

1 “(II) an organization that serves
2 homeless youth (such as a youth shel-
3 ter or outreach program); and

4 “(ii) may partner with any other pro-
5 vider, agency, official, or entity that serves
6 foster youth and homeless youth, or former
7 foster youth and homeless youth.

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

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

14 “(2) the cost of providing each such activity or
15 service;

16 “(3) the number of students who received each
17 activity or service, disaggregated by demographics;

18 “(4) using qualitative and quantitative analysis,
19 how the State—

20 “(A) improved access to higher education
21 for foster youth and homeless youth; and

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

24 “(5) an analysis of the implementation and
25 progress of the statewide transition initiative under

1 subsection (d), including challenges and changes
2 made to the initiative throughout the preceding year;

3 “(6) if, based on the analysis under paragraph
4 (5), the State determines that the program is not on
5 track to meet the intended outcomes described in the
6 application of the State under subsection (c)(2)(C),
7 a description of how the State plans to meet such
8 intended outcomes; and

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

13 “(g) DEPARTMENT ACTIVITIES.—

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

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

1 “(A) the amount of each allotment under
2 subsection (b);

3 “(B) the amount of each subgrant under
4 subsection (e); and

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

8 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated to carry out this section
10 \$150,000,000 for fiscal year 2024 and each of the 5 suc-
11 ceeding fiscal years.”.

○