

118TH CONGRESS  
1ST SESSION

# H. R. 5562

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 HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2023

Mr. DAVIS of Illinois (for himself and Mr. KRISHNAMOORTHY) introduced the following bill; which was referred to the Committee on Education and the Workforce

---

## 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 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-

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.”.

○