

117TH CONGRESS
1ST SESSION

S. 1396

To amend the Higher Education Act of 1965 to establish State and Indian Tribe grants for community colleges and grants for Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority-Serving Institutions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2021

Ms. BALDWIN (for herself, Mrs. MURRAY, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Mr. LEAHY, Ms. HIRONO, Mr. CARDIN, Ms. DUCKWORTH, Mrs. GILLIBRAND, and Mr. DURBIN) 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 State and Indian Tribe grants for community colleges and grants for Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority-Serving Institutions, 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 “America’s College
5 Promise Act of 2021”.

1 **TITLE I—STATE AND INDIAN**
 2 **TRIBE GRANTS FOR COMMU-**
 3 **NITY COLLEGES**

4 **SEC. 101. PROGRAM AUTHORIZED.**

5 Title IV of the Higher Education Act of 1965 (20
 6 U.S.C. 1070 et seq.) is amended by adding at the end
 7 the following:

8 **“PART J—AMERICA’S COLLEGE PROMISE**
 9 **FEDERAL-STATE PARTNERSHIP**

10 **“Subpart 1—State and Indian Tribe Grants for**
 11 **Community Colleges**

12 **“SEC. 499A. IN GENERAL.**

13 “From amounts appropriated under section 499G for
 14 any fiscal year, the Secretary shall award grants to eligible
 15 States and Indian tribes to pay the Federal share of ex-
 16 penditures needed to carry out the activities and services
 17 described in section 499E.

18 **“SEC. 499B. FEDERAL SHARE; NON-FEDERAL SHARE.**

19 “(a) FEDERAL SHARE.—

20 “(1) IN GENERAL.—Subject to paragraph (2),
 21 the amount of the Federal share of a grant under
 22 this subpart shall be based on a formula, determined
 23 by the Secretary, that provides, for each eligible stu-
 24 dent in the State or Indian tribe, a per-student
 25 amount that is equal to 75 percent of—

1 “(A) for the 2022–2023 award year, the
2 average resident community college tuition and
3 fees per student in all States for the most re-
4 cent year for which data are available; and

5 “(B) for each subsequent award year, the
6 amount determined under this paragraph for
7 the preceding award year, increased by the less-
8 er of—

9 “(i) a percentage equal to the esti-
10 mated percentage increase in the Con-
11 sumer Price Index (as determined by the
12 Secretary) since the date of such deter-
13 mination; or

14 “(ii) 3 percent.

15 “(2) INDIAN TRIBES.—The amount of the Fed-
16 eral share for an Indian tribe receiving a grant
17 under this subpart shall be the lesser of—

18 “(A) the amount determined in accordance
19 with paragraph (1) with respect to such tribe;
20 or

21 “(B) the amount that is 95 percent of the
22 total amount needed to waive tuition and fees
23 for all eligible students enrolled in the commu-
24 nity colleges operated or controlled by such
25 tribe.

1 “(b) STATE OR TRIBAL SHARE.—

2 “(1) FORMULA.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (B), the State or tribal share of a grant
5 under this subpart for each fiscal year shall be
6 the amount needed to pay 25 percent of the av-
7 erage resident community college tuition and
8 fees per student in the 2022–2023 award year
9 for all eligible students in the State or tribe for
10 such fiscal year.

11 “(B) INDIAN TRIBES.—The tribal share of
12 a grant awarded to an Indian tribe under this
13 subpart for each fiscal year shall be the lesser
14 of—

15 “(i) the amount determined in accord-
16 ance with subparagraph (A) with respect
17 to such tribe; or

18 “(ii) 5 percent of the total amount
19 needed to waive tuition and fees for all eli-
20 gible students enrolled in the community
21 colleges operated or controlled by such
22 tribe.

23 “(2) NEED-BASED AID.—A State or Indian
24 tribe may include, as part of the State or tribal
25 share, any need-based financial aid that—

1 “(A) is provided from State or tribal funds
2 to an eligible student; and

3 “(B) may be used by such student to pay
4 costs of attendance other than tuition and fees.

5 “(3) NO IN-KIND CONTRIBUTIONS.—A State or
6 Indian tribe shall not include in-kind contributions
7 for purposes of the State or tribal share described
8 in paragraph (1).

9 “(c) DETERMINING NUMBER OF ELIGIBLE STU-
10 DENTS.—

11 “(1) IN GENERAL.—For purposes of subsection
12 (a) and subsection (b), the Secretary shall develop
13 and implement a formula for accurately estimating
14 the number of eligible students in a State or Indian
15 tribe and for making adjustments based on the num-
16 ber of eligible students enrolled on less than a full-
17 time basis and the associated tuition and fees
18 charged to such students in proportion to the degree
19 to which each such student is not attending on a
20 full-time basis.

21 “(2) INITIAL DETERMINATION.—For the first
22 year for which grants are awarded under this sub-
23 part, the number of eligible students in a State or
24 Indian tribe shall be considered to be equal to the

1 number of eligible students who were in the State or
2 tribe for the preceding school year.

3 “(d) ADJUSTMENT OF GRANT AMOUNT.—Not later
4 than 180 days after the date on which a State or Indian
5 tribe receives a grant under this subpart, the Secretary
6 shall—

7 “(1) in consultation with the State or tribe con-
8 cerned, determine whether the actual number of eli-
9 gible students in the State or tribe for the year cov-
10 ered by the grant is greater than the estimated num-
11 ber of such students that was used to determine the
12 amount of the grant; and

13 “(2) in the case of a determination under para-
14 graph (1) that the actual number of eligible students
15 in the State or tribe is higher than such estimate,
16 issue a supplementary grant payment to the State or
17 tribe in an amount that ensures that the total
18 amount of the grant funds received by the State or
19 tribe under this subpart for the year covered by the
20 grant accurately reflects the higher number of eligi-
21 ble students.

22 **“SEC. 499C. APPLICATIONS.**

23 “(a) SUBMISSION.—In order to receive a grant under
24 this subpart, a State or Indian tribe shall submit an appli-

1 cation to the Secretary at such time, in such manner, and
2 containing such information as the Secretary may require.

3 “(b) CONTENTS.—Each application under subsection
4 (a) shall include—

5 “(1) an estimate of the number of eligible stu-
6 dents in the State or Indian tribe and the cost of
7 waiving community college tuition and fees for all el-
8 igible students for each fiscal year covered by the
9 grant;

10 “(2) an assurance that each community college
11 in the State, or operated or controlled by the Indian
12 tribe, as applicable, will waive tuition and fees for el-
13 igible students in accordance with section 499D(a);

14 “(3) a description of the promising and evi-
15 dence-based institutional reforms and innovative
16 practices to improve student outcomes, including
17 transfer and completion rates, that have been or will
18 be adopted by each such community college, such
19 as—

20 “(A) providing comprehensive academic,
21 career, and student support services (including
22 mentoring, advising, case management services,
23 and career pathway navigation), especially for
24 low-income, first-generation, and adult stu-
25 dents, and other students belonging to racial

1 and other groups that are historically underrep-
2 resented in higher education;

3 “(B) providing direct support services, or
4 assistance in applying for such services, such
5 as—

6 “(i) childcare, transportation, and
7 emergency financial assistance;

8 “(ii) assistance in obtaining health in-
9 surance coverage and accessing health care
10 services, including behavioral and mental
11 health services;

12 “(iii) affordable housing;

13 “(iv) nutrition assistance programs or
14 free or discounted food; and

15 “(v) means-tested Federal benefit pro-
16 grams, or similar State, tribal, or local
17 benefit programs;

18 “(C) providing accelerated learning oppor-
19 tunities, such as dual or concurrent enrollment
20 programs, including early college high school
21 programs, and reforming course scheduling and
22 credit awarding policies to better meet the
23 needs of students and shorten time to comple-
24 tion;

1 “(D) strengthening and reforming remedial
2 and developmental education, especially for low-
3 income, first-generation, and adult students,
4 and other students belonging to racial and
5 other groups that are historically underrep-
6 resented in higher education, including through
7 the use of multiple measures (such as a stu-
8 dent’s college entrance examination score, grade
9 point average, high school course list, or a
10 placement examination) to identify students in
11 need of remedial education;

12 “(E) utilizing career pathways, including
13 through building capacity for career and tech-
14 nical education, as defined in section 3(5) of
15 the Carl D. Perkins Career and Technical Edu-
16 cation Act of 2006 (20 U.S.C. 2302(5)), and
17 programs of study, as defined in section 3(41)
18 of such Act (20 U.S.C. 2302(41)), or degree
19 pathways; or

20 “(F) providing expanded opportunities for
21 participating in work-based learning, which may
22 include apprenticeship programs, in students’
23 programs of study;

24 “(4) a description of how the State or Indian
25 tribe will ensure that programs leading to a recog-

1 nized postsecondary credential meet the quality cri-
2 teria established by the State under section 123(a)
3 of the Workforce Innovation and Opportunity Act
4 (29 U.S.C. 3153(a)) or other quality criteria deter-
5 mined appropriate by the State or Indian tribe;

6 “(5) an assurance that each community college
7 in the State or under the authority of the Indian
8 tribe have entered into program participation agree-
9 ments under section 487;

10 “(6) an assurance that the State or Indian tribe
11 will, to the maximum extent practicable, assist eligi-
12 ble students in obtaining information about and ac-
13 cessing means-tested Federal benefit programs and
14 similar, State, tribal, and local benefit programs for
15 which such students may be eligible;

16 “(7) an assurance that, for each year of the
17 grant, the State or Indian tribe will notify each eligi-
18 ble student of the student’s remaining eligibility for
19 assistance under this subpart;

20 “(8) if the application is submitted by a
21 State—

22 “(A) a description of how the State will
23 support the scaling and increased adoption of
24 the reforms and practices described in para-
25 graph (3);

1 “(B) an assurance that the State will, to
2 the extent practicable, consider changes to
3 State law that will enable more community col-
4 lege students to be eligible for means-tested
5 Federal benefit programs and similar State
6 benefit programs;

7 “(C) an assurance that the State will meet
8 the requirements of section 499D(b)(1) relating
9 to the alignment of secondary and postsec-
10 ondary education; and

11 “(D) an assurance that the State will meet
12 the requirements of section 499D(b)(2) relating
13 to the improvement of transfer pathways be-
14 tween institutions of higher education; and

15 “(9) an assurance that the State or Indian tribe
16 will clearly communicate to prospective students,
17 their families, and the general public—

18 “(A) plans to implement the program
19 funded under this subpart; and

20 “(B) how eligible students can attend a
21 community college operated by the State or
22 tribe without paying the cost of tuition and
23 fees.

1 **“SEC. 499D. PROGRAM REQUIREMENTS.**

2 “(a) GENERAL REQUIREMENTS FOR STATES AND IN-
3 DIAN TRIBES.—As a condition of receiving a grant under
4 this subpart, a State or Indian tribe shall meet the fol-
5 lowing requirements:

6 “(1) For each year of the grant the total
7 amount of community college tuition and fees
8 charged to an eligible student in the State or Indian
9 tribe shall be \$0.

10 “(2) For each year of the grant no amount of
11 financial assistance for which an eligible student
12 qualifies may be applied to such tuition or fees.

13 “(b) STATE REQUIREMENTS.—As a condition of re-
14 ceiving a grant under this subpart, a State shall meet the
15 following requirements:

16 “(1) ALIGNMENT OF K–12 AND HIGHER EDU-
17 CATION.—

18 “(A) IN GENERAL.—The State shall—

19 “(i) submit a plan to align the re-
20 quirements for receiving a regular high
21 school diploma from public schools in the
22 State with the requirements for entering
23 credit-bearing coursework at community
24 colleges in such State; and

25 “(ii) not later than 3 years after the
26 date on which the State first receives a

1 grant under this subpart, certify to the
2 Secretary that such alignment has been
3 achieved.

4 “(B) FAILURE TO CERTIFY.—If a State
5 does not provide the certification required
6 under subparagraph (A) by the date specified in
7 such subparagraph, the State shall submit to
8 the Secretary, at such time and in such manner
9 as the Secretary may require—

10 “(i) a written explanation for the
11 delay in making the certification; and

12 “(ii) a plan that will enable the State
13 to make the certification by not later than
14 5 years after the date on which the State
15 first received a grant under this subpart.

16 “(2) TRANSFER PATHWAYS.—

17 “(A) IN GENERAL.—The State shall—

18 “(i) submit a plan, developed in col-
19 laboration with faculty from institutions of
20 higher education in the State, to improve
21 transfer pathways between institutions of
22 higher education in the State, including
23 by—

24 “(I) ensuring that associate de-
25 grees awarded by community colleges

1 in the State are fully transferable to,
2 and credited as, the first 2 years of
3 related baccalaureate programs at
4 public institutions of higher education
5 in such State; and

6 “(II) ensuring that students at-
7 tending community colleges in the
8 State have access to comprehensive
9 counseling regarding the process for
10 transferring to a 4-year institution of
11 higher education; and

12 “(ii) not later than 3 years after the
13 date on which the State first receives a
14 grant under this subpart, certify to the
15 Secretary that the State is carrying out
16 the plan submitted in accordance with
17 clause (i) and is meeting the requirements
18 of subclauses (I) and (II) of such clause.

19 “(B) FAILURE TO CERTIFY.—If a State
20 does not provide the certification required
21 under subparagraph (A) by the date specified in
22 such subparagraph, the State shall submit to
23 the Secretary, at such time and in such manner
24 as the Secretary may require—

1 “(i) a written explanation for the
2 delay in making the certification; and

3 “(ii) a plan that will enable the State
4 to make the certification by not later than
5 5 years after the date on which the State
6 first received a grant under this subpart.

7 “(3) APPLICABILITY.—The Secretary may not
8 apply the requirements under this subsection to an
9 Indian tribe.

10 “(c) NO ADDITIONAL ELIGIBILITY REQUIRE-
11 MENTS.—A State or Indian tribe that receives a grant
12 under this subpart may not impose additional eligibility
13 requirements on eligible students other than the require-
14 ments under this subpart.

15 **“SEC. 499E. ALLOWABLE USES OF FUNDS.**

16 “(a) IN GENERAL.—Except as provided in subsection
17 (b), a State or Indian tribe shall use a grant under this
18 subpart only to provide funds to each community college
19 in the State, or operated or controlled by such tribe, as
20 applicable, to enable each such community college to waive
21 tuition and fees for eligible students as required under sec-
22 tion 499D(a).

23 “(b) ADDITIONAL USES.—If a State or Indian tribe
24 demonstrates to the Secretary that the State or Indian
25 tribe has grant funds remaining after meeting the demand

1 for activities described in subsection (a), the State or In-
2 dian tribe may use those funds to carry out 1 or more
3 of the following:

4 “(1) Enhancing the quality and equity of public
5 higher education to improve student outcomes, in-
6 cluding transfer and completion rates and labor
7 market outcomes.

8 “(2) Investing in and diversifying the academic
9 workforce.

10 “(3) Expanding the scope and capacity of high-
11 quality academic and occupational skills training
12 programs at community colleges, which may include
13 collaboration with one or more industry or sector
14 partnerships (as defined in section 3 of the Work-
15 force Innovation and Opportunity Act (29 U.S.C.
16 3201)).

17 “(4) Improving postsecondary education readi-
18 ness in the State or Indian tribe, including through
19 outreach and early intervention.

20 “(5) Expanding access to dual or concurrent
21 enrollment programs, such as early college high
22 school programs.

23 “(6) Reducing unmet need at public 4-year in-
24 stitutions of higher education.

1 “(c) USE OF FUNDS FOR ADMINISTRATIVE PUR-
2 POSES.—A State or Indian tribe that receives a grant
3 under this subpart may not use any funds provided under
4 this subpart for administrative purposes relating to such
5 grant.

6 “(d) MAINTENANCE OF EFFORT.—A State or Indian
7 tribe receiving a grant under this subpart shall be entitled
8 to receive its full allotment of funds under this subpart
9 for a fiscal year only if, for each year of the grant, the
10 State or Indian tribe provides—

11 “(1) State fiscal support for higher education
12 per FTE student at a level equal to or exceeding the
13 average amount of State fiscal support for higher
14 education per FTE student provided for the 3 con-
15 secutive preceding fiscal years;

16 “(2) financial support for operational expenses
17 (excluding capital expenses and research and devel-
18 opment costs) for public 4-year institutions of higher
19 education at a level equal to or exceeding the aver-
20 age amount provided for the 3 consecutive preceding
21 State or Indian tribe fiscal years; and

22 “(3) financial support for need-based financial
23 aid at a level equal to or exceeding the average
24 amount provided for the 3 consecutive preceding
25 State or Indian tribe fiscal years.

1 “(e) SUPPLEMENT, NOT SUPPLANT.—Funds made
2 available under this subpart shall be used to supplement,
3 and not supplant, other Federal, State, tribal, and local
4 funds that would otherwise be expended to carry out ac-
5 tivities described in this section.

6 “(f) REPORT REQUIREMENTS.—

7 “(1) REPORTING BY STATES AND INDIAN
8 TRIBES.—A State or Indian tribe receiving a grant
9 under this subpart shall submit to the Secretary an
10 annual report that shall include—

11 “(A) the uses of grant funds under this
12 subpart;

13 “(B) the progress made in fulfilling the re-
14 quirements of the grant;

15 “(C) the rates of transfer, graduation, and
16 attainment of recognized postsecondary creden-
17 tials at participating community colleges, disag-
18 gregated by race, income, and age; and

19 “(D) any other information that the Sec-
20 retary may require.

21 “(2) REPORTING BY SECRETARY.—The Sec-
22 retary shall, on an annual basis—

23 “(A) compile and analyze the information
24 described in paragraph (1); and

1 “(B) prepare and submit to the author-
2 izing committees a report containing—

3 “(i) the analysis described in subpara-
4 graph (A); and

5 “(ii) an identification of State and In-
6 dian tribe best practices for achieving the
7 purpose of this subpart.

8 “(g) TECHNICAL ASSISTANCE.—The Secretary shall
9 provide technical assistance to eligible States and Indian
10 tribes concerning best practices regarding the promising
11 and evidence-based institutional reforms and innovative
12 practices to improve student outcomes and shall dissemi-
13 nate such best practices among the States and Indian
14 tribes.

15 “(h) CONTINUATION OF FUNDING.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), a State or Indian tribe receiving a grant
18 under this subpart for a fiscal year may continue to
19 receive funding under this subpart for future fiscal
20 years conditioned on the availability of budget au-
21 thority and on meeting the requirements of the
22 grant, as determined by the Secretary.

23 “(2) DISCONTINUATION.—The Secretary may
24 discontinue funding of the Federal share of a grant
25 under this subpart if the State or Indian tribe has

1 violated the terms of the grant or is not making ade-
2 quate progress in implementing the reforms de-
3 scribed in the application submitted under section
4 499C.

5 **“SEC. 499F. AUTOMATIC STABILIZERS FOR AMERICA’S COL-**
6 **LEGE PROMISE.**

7 “(a) MAINTENANCE OF EFFORT RELIEF.—Notwith-
8 standing subsection (d) of section 499E, a State that
9 meets the qualifying spending requirements may request
10 a waiver of the requirements under such subsection (d).
11 The Secretary shall waive the requirements of such sub-
12 section (d) for a State that makes a qualifying request
13 under this subsection as follows:

14 “(1) TIER I.—With respect to each State eligi-
15 ble for relief under tier I, such requirements shall be
16 waived for the fiscal year succeeding the fiscal year
17 in which the determination of the State’s eligibility
18 for such relief is made.

19 “(2) TIERS II THROUGH V.—With respect to
20 each State eligible for relief under tier II, III, IV,
21 or V, such requirements shall be waived, in accord-
22 ance with subsection (d), for—

23 “(A) the fiscal year in which the deter-
24 mination of the State’s eligibility for such relief
25 is made;

1 “(B) the fiscal year succeeding the fiscal
2 year described in subparagraph (A); or

3 “(C) both such fiscal years.

4 “(b) MATCH RELIEF.—

5 “(1) STATE MATCH RELIEF.—Notwithstanding
6 subsection (b) of section 499B, a State that is eligi-
7 ble for relief under tier II, III, IV, or V may request
8 relief with respect to the requirements of such sub-
9 section (b). The Secretary shall provide relief from
10 the requirements of such subsection (b), for the ap-
11 plicable fiscal year or years, for a State that makes
12 a qualifying request under this paragraph as follows:

13 “(A) TIER II.—With respect to a State
14 that is eligible for relief under tier II, the Sec-
15 retary shall—

16 “(i) apply section 499B(a)(1) by sub-
17 stituting ‘80 percent’ for ‘75 percent’; and

18 “(ii) apply section 499B(b)(1)(A) by
19 substituting ‘20 percent’ for ‘25 percent’.

20 “(B) TIER III.—With respect to a State
21 that is eligible for relief under tier III, the Sec-
22 retary shall—

23 “(i) apply section 499B(a)(1) by sub-
24 stituting ‘85 percent’ for ‘75 percent’; and

1 “(ii) apply section 499B(b)(1)(A) by
2 substituting ‘15 percent’ for ‘25 percent’.

3 “(C) TIER IV.—With respect to a State
4 that is eligible for relief under tier IV, the Sec-
5 retary shall—

6 “(i) apply section 499B(a)(1) by sub-
7 stituting ‘90 percent’ for ‘75 percent’; and

8 “(ii) apply section 499B(b)(1)(A) by
9 substituting ‘10 percent’ for ‘25 percent’.

10 “(D) TIER V.—With respect to a State
11 that is eligible for relief under tier V, the Sec-
12 retary shall—

13 “(i) apply section 499B(a)(1) by sub-
14 stituting ‘95 percent’ for ‘75 percent’; and

15 “(ii) apply section 499B(b)(1)(A), by
16 substituting ‘5 percent’ for ‘25 percent’.

17 “(2) APPLICABLE FISCAL YEARS.—With respect
18 to each State eligible for relief under tier II, III, IV,
19 or V, the Secretary shall provide the relief under
20 paragraph (1), in accordance with subsection (d),
21 for—

22 “(A) the fiscal year in which the deter-
23 mination of the State’s eligibility for such relief
24 is made;

1 “(B) the fiscal year succeeding the fiscal
2 year described in subparagraph (A); or

3 “(C) both such fiscal years.

4 “(c) STATE ELIGIBILITY.—A State’s eligibility for re-
5 lief under this section shall be determined as follows:

6 “(1) TIER I.—A State shall be eligible for relief
7 under tier I for a fiscal year in which—

8 “(A)(i) the State was in an elevated unem-
9 ployment period at any point in the fiscal year;
10 or

11 “(ii) the Nation as a whole was in an ele-
12 vated unemployment period at any point in the
13 fiscal year; and

14 “(B) the State is not eligible for relief
15 under any other tier.

16 “(2) TIER II.—A State shall be eligible for re-
17 lief under tier II for a fiscal year in which—

18 “(A)(i) the State average unemployment
19 rate was equal to or greater than 6.5 percent
20 but less than 7.5 percent at any point in the
21 fiscal year; or

22 “(ii) the national average unemployment
23 rate is equal to or greater than 6.5 percent but
24 less than 7.5 percent at any point in the fiscal
25 year; and

1 “(B) the State is not eligible for relief
2 under tier III, IV, or V.

3 “(3) TIER III.—A State shall be eligible for re-
4 lief under tier III for a fiscal year in which—

5 “(A)(i) the State average unemployment
6 rate was equal to or greater than 7.5 percent
7 but less than 8.5 percent at any point in the
8 fiscal year; or

9 “(ii) the national average unemployment
10 rate is equal to or greater than 7.5 percent but
11 less than 8.5 percent at any point in the fiscal
12 year; and

13 “(B) the State is not eligible for relief
14 under tier IV or V.

15 “(4) TIER IV.—A State shall be eligible for re-
16 lief under tier IV for a fiscal year in which—

17 “(A)(i) the State average unemployment
18 rate was equal to or greater than 8.5 percent
19 but less than 9.5 percent at any point in the
20 fiscal year; or

21 “(ii) the national average unemployment
22 rate is equal to or greater than 8.5 percent but
23 less than 9.5 percent at any point in the fiscal
24 year; and

1 “(B) the State is not eligible for relief
2 under tier V.

3 “(5) TIER V.—A State shall be eligible for relief
4 under tier V for a fiscal year in which—

5 “(A) the State average unemployment rate
6 was equal to or greater than 9.5 percent at any
7 point in the fiscal year; or

8 “(B) the national average unemployment
9 rate is equal to or greater than 9.5 percent at
10 any point in the fiscal year.

11 “(d) DISCRETION IN THE PROVISION OF RELIEF.—
12 In determining the fiscal years for which to provide relief
13 in accordance with subsections (a)(2) and (b) to a State
14 that is eligible under tier II, III, IV, or V, the Secretary
15 shall take into account the following:

16 “(1) In the case of a State that requests relief
17 under subsection (a)(2), the fiscal years for which
18 the State requests such relief, including—

19 “(A) if the State requests such relief for
20 the fiscal year for which the determination of
21 the State’s eligibility for such relief is made, the
22 amount by which the State is unable to meet
23 the requirements of section 499E(d) for such
24 fiscal year; and

1 “(B) if the State requests such relief for
2 the fiscal year succeeding the year described in
3 subparagraph (A), the amount by which the
4 State anticipates being unable to meet such re-
5 quirements for such succeeding fiscal year.

6 “(2) In the case of a State that requests relief
7 under subsection (b), the fiscal years for which the
8 State requests such relief, including—

9 “(A) if the State requests such relief for
10 the fiscal year for which the determination of
11 the State’s eligibility for such relief is made, the
12 extent to which the State is unable to meet the
13 requirements of section 499B(b) for such fiscal
14 year; and

15 “(B) if the State requests such relief for
16 the fiscal year succeeding the year described in
17 subparagraph (A), the extent to which the State
18 anticipates being unable to meet such require-
19 ments for such succeeding fiscal year.

20 “(3) The actual or anticipated timing, severity,
21 and duration of the unemployment rate increase
22 during—

23 “(A) the fiscal year for which the deter-
24 mination of the State’s eligibility for such relief
25 is made;

1 “(B) the fiscal year succeeding the fiscal
2 year described in subparagraph (A); and

3 “(C) the fiscal year preceding the fiscal
4 year described in subparagraph (A).

5 “(4) Other factors determined to be relevant by
6 the Secretary.

7 “(e) INDIAN TRIBES.—

8 “(1) IN GENERAL.—For purposes of deter-
9 mining the eligibility of an Indian tribe to receive re-
10 lief under this section—

11 “(A) an Indian tribe that operates or con-
12 trols a community college in a State that is eli-
13 gible for relief under any tier shall be treated
14 as a State for purposes of receiving relief under
15 such tier, except as otherwise provided in para-
16 graph (2); and

17 “(B) in the case of an Indian tribe that
18 operates or controls a community college in at
19 least 2 different States each of which is eligible
20 for relief under different tiers, the Indian tribe
21 shall receive relief under the tier offering the
22 greatest level of relief.

23 “(2) INDIAN TRIBE MATCH RELIEF.—Notwith-
24 standing subsection (b) of section 499B, an Indian
25 tribe that is eligible for relief under tier II, III, IV,

1 or V may request relief with respect to the require-
2 ments of such subsection (b). The Secretary shall
3 provide relief from the requirements of section
4 499B(b), for the applicable fiscal year or years, for
5 an Indian tribe that makes a qualifying request
6 under this paragraph, by—

7 “(A) with respect to applying section
8 499B(a)(1), providing the appropriate relief de-
9 scribed in subsection (b)(1) of this section;

10 “(B) applying section 499B(a)(2)(B) by
11 substituting ‘100 percent’ for ‘95 percent’; and

12 “(C) applying section 499B(b)(1)(B)(ii),
13 by substituting ‘0 percent’ for ‘5 percent’.

14 “(f) DEFINITIONS.—In this section:

15 “(1) ELEVATED UNEMPLOYMENT PERIOD.—

16 The term ‘elevated unemployment period’—

17 “(A) when used with respect to the Nation
18 as a whole, means a consecutive, 3-month pe-
19 riod in a fiscal year in which the national aver-
20 age unemployment rate is not less than 0.5 per-
21 centage points above the lowest national aver-
22 age unemployment rate for the 12-month period
23 preceding such 3-month period; and

24 “(B) when used with respect to a State,
25 means a consecutive, 3-month period in a fiscal

1 year in which the State average unemployment
2 rate is not less than 0.5 percentage points
3 above the lowest State average unemployment
4 rate for the 12-month period preceding such 3-
5 month period.

6 “(2) QUALIFYING SPENDING REQUIREMENTS.—
7 The term ‘qualifying spending requirements’ means
8 the requirements that a State not disproportionately
9 decrease spending for any of the categories described
10 in subparagraphs (A) through (C) of section
11 499E(d)(1) relative to such State’s overall, average
12 decrease in spending for the 3 consecutive preceding
13 fiscal years.

14 “(3) NATIONAL AVERAGE UNEMPLOYMENT
15 RATE.—The term ‘national average unemployment
16 rate’ means the average (seasonally adjusted) rate of
17 total unemployment in all States for a consecutive,
18 3-month period in a fiscal year, based on data from
19 the Bureau of Labor Statistics of the Department of
20 Labor.

21 “(4) STATE AVERAGE UNEMPLOYMENT RATE.—
22 The term ‘State average unemployment rate’ means
23 the average (seasonally adjusted) rate of total unem-
24 ployment in a State for a consecutive, 3-month pe-

1 riod in a fiscal year, based on data from the Bureau
2 of Labor Statistics of the Department of Labor.

3 **“SEC. 499G. APPROPRIATIONS.**

4 “There are authorized to be appropriated, and there
5 are appropriated to carry out this subpart (in addition to
6 any other amounts appropriated to carry out this subpart
7 and out of any money in the Treasury not otherwise ap-
8 propriated), such sums as may be necessary for fiscal year
9 2022 and each succeeding fiscal year.

10 **“SEC. 499H. DEFINITIONS.**

11 “In this subpart:

12 “(1) APPRENTICESHIP.—The term ‘apprentice-
13 ship’ means an apprenticeship program registered
14 under the Act of August 16, 1937 (commonly known
15 as the ‘National Apprenticeship Act’; 50 Stat. 664,
16 chapter 663; 29 U.S.C. 50 et seq.).

17 “(2) CAREER PATHWAY.—The term ‘career
18 pathway’ has the meaning given the term in section
19 3 of the Workforce Innovation and Opportunity Act
20 (29 U.S.C. 3102).

21 “(3) COMMUNITY COLLEGE.—The term ‘com-
22 munity college’ means a public institution of higher
23 education at which the highest degree that is pre-
24 dominantly awarded to students is an associate’s de-
25 gree, including 2-year Tribal Colleges or Universities

1 under section 316 and public 2-year institutions of
2 higher education operated by a State.

3 “(4) DUAL OR CONCURRENT ENROLLMENT
4 PROGRAM.—The term ‘dual or concurrent enrollment
5 program’ has the meaning given the term in section
6 8101 of the Elementary and Secondary Education
7 Act of 1965.

8 “(5) EARLY COLLEGE HIGH SCHOOL.—The
9 term ‘early college high school’ has the meaning
10 given the term in section 8101 of the Elementary
11 and Secondary Education Act of 1965.

12 “(6) ELIGIBLE STUDENT.—The term ‘eligible
13 student’ means a student who—

14 “(A) is enrolled in an eligible program (as
15 defined in section 481(b)) at a community col-
16 lege on not less than a half-time basis;

17 “(B) either—

18 “(i) qualifies for in-State resident
19 community college tuition, as determined
20 by the State or Indian tribe; or

21 “(ii) would qualify for such in-State
22 resident community college tuition, but for
23 the immigration status of such student;
24 and

1 “(C) has not been enrolled (whether full-
2 time or less than full-time) for more than 6 se-
3 mesters (or the equivalent) for which the stu-
4 dent received a waiver of community college tui-
5 tion and fees under section 499D(a).

6 “(7) INDIAN TRIBE.—The term ‘Indian tribe’
7 has the meaning given the term in section 102 of the
8 Federally Recognized Indian Tribe List Act of 1994
9 (25 U.S.C. 5130).

10 “(8) INSTITUTION OF HIGHER EDUCATION.—
11 The term ‘institution of higher education’ has the
12 meaning given the term in section 101.

13 “(9) MEANS-TESTED FEDERAL BENEFIT PRO-
14 GRAM.—The term ‘means-tested Federal benefit pro-
15 gram’ has the meaning given the term in section
16 479.

17 “(10) RECOGNIZED POSTSECONDARY CREDEN-
18 TIAL.—The term ‘recognized postsecondary creden-
19 tial’ has the meaning as described in section 3 of the
20 Workforce Innovation and Opportunity Act (29
21 U.S.C. 3102).

22 “(11) STATE FISCAL SUPPORT FOR HIGHER
23 EDUCATION.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), the term ‘State fiscal sup-

1 port for higher education’, used with respect to
2 a State for a fiscal year, means an amount that
3 is equal to the gross amount of applicable State
4 funds appropriated or dedicated, and expended
5 by the State, including funds from lottery re-
6 ceipts, in the fiscal year, that are used to sup-
7 port institutions of higher education and stu-
8 dent financial aid for higher education in the
9 State.

10 “(B) EXCLUSIONS.—State fiscal support
11 for higher education for a State for a fiscal
12 year shall not include—

13 “(i) funds described in subparagraph
14 (A) that are returned to the State;

15 “(ii) State-appropriated funds derived
16 from Federal sources, including funds pro-
17 vided under section 499B(b) and section
18 499J(b);

19 “(iii) amounts that are portions of
20 multiyear appropriations to be distributed
21 over multiple years that are not to be
22 spent for the year for which the calculation
23 under this paragraph is being made, sub-
24 ject to subparagraph (D);

1 “(iv) tuition, fees, or other edu-
2 cational charges paid directly by a student
3 to a public institution of higher education
4 or to the State;

5 “(v) funds for—

6 “(I) financial aid programs pro-
7 vided to out-of-State institutions of
8 higher education, including aid to stu-
9 dents enrolled in such institutions;

10 “(II) merit-based financial aid to
11 students awarded on the basis of pre-
12 dicted or actual academic perform-
13 ance;

14 “(III) financial aid for students
15 attending, or annual operating ex-
16 penses of, proprietary institutions of
17 higher education (as defined in section
18 102(b));

19 “(IV) financial aid for students
20 attending, or annual operating ex-
21 penses of, unaccredited institutions;

22 “(V) research and development;

23 “(VI) hospitals, athletics, or
24 other auxiliary enterprises; or

1 “(VII) corporate or other private
2 donations directed to 1 or more insti-
3 tutions of higher education permitted
4 to be expended by the State; or

5 “(vi) any other funds that the Sec-
6 retary determines shall not be included in
7 the calculation of State fiscal support for
8 higher education for such State.

9 “(C) ADJUSTMENTS FOR BIENNIAL APPRO-
10 PRIATIONS.—The Secretary shall take into con-
11 sideration any adjustments to the calculations
12 under this paragraph that may be required to
13 accurately reflect State fiscal support for higher
14 education in States with biennial appropriation
15 cycles.

16 “(D) INDIAN TRIBES.—In determining the
17 State fiscal support for higher education of an
18 Indian tribe for a fiscal year, the Indian tribe
19 shall be treated as a State except as otherwise
20 determined appropriate by the Secretary.

21 “(12) STATE FISCAL SUPPORT FOR HIGHER
22 EDUCATION PER FTE STUDENT.—The term ‘State
23 fiscal support for higher education per FTE stu-
24 dent’, used with respect to a State or Indian tribe
25 for a fiscal year, means, the quotient of—

1 “(A) the State fiscal support for higher
2 education for the previous fiscal year; divided
3 by

4 “(B) the number of full-time equivalent
5 students enrolled in public institutions of higher
6 education in such State or tribe for such pre-
7 vious fiscal year.”.

8 **TITLE II—STUDENT SUCCESS**
9 **FUND**

10 **SEC. 201. STUDENT SUCCESS FUND.**

11 Part J of title IV of the Higher Education Act of
12 1965 (20 U.S.C. 1070 et seq.), as added by section 101,
13 is further amended by adding at the end the following:

14 **“Subpart 2—Student Success Fund**

15 **“SEC. 499I. IN GENERAL.**

16 “From amounts appropriated under section 499O for
17 any fiscal year, the Secretary shall carry out a grant pro-
18 gram (to be known as the ‘Student Success Fund’) to
19 make grants to eligible entities to carry out the activities
20 and services described in section 499L.

21 **“SEC. 499J. FEDERAL SHARE AND MATCHING FUNDS.**

22 “(a) FEDERAL SHARE.—

23 “(1) FORMULA REQUIREMENTS.—The Federal
24 share of a grant under this subpart shall be based

1 on a formula, developed by the Secretary, that ac-
2 counts for—

3 “(A) the State or Indian tribe’s relative
4 share of eligible students, as determined in ac-
5 cordance with section 499B(c);

6 “(B) the State or Indian tribe’s relative
7 share of Federal Pell Grant recipients; and

8 “(C) the ratio between a State or Indian
9 tribe’s funding per full-time equivalent (FTE)
10 student at public institutions of higher edu-
11 cation and the average net price at public 4-
12 year institutions of higher education, in such a
13 way as to reward States and Indian tribes that
14 keep net prices for students low while maintain-
15 ing their fiscal support for higher education.

16 “(2) FORMULA PUBLISHED BEFORE APPLICA-
17 TION DEADLINE.—The Secretary shall—

18 “(A) develop the formula described in
19 paragraph (1);

20 “(B) calculate estimated allotments for
21 each eligible entity under such formula; and

22 “(C) publish such formula and estimated
23 allotments not later than the date of the notice
24 soliciting applications for participation in the
25 program under this subpart.

1 “(b) MATCHING FUNDS.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), an eligible entity participating in the pro-
4 gram under this subpart shall provide, from non-
5 Federal sources, in cash or in kind—

6 “(A) in each of the first, second, third, and
7 fourth years of participation in the program, an
8 amount equal to 25 percent of the amount such
9 entity received under subsection (a) with re-
10 spect to such year;

11 “(B) in each of the fifth and sixth years of
12 participation in the program, an amount equal
13 to 50 percent of the amount such entity re-
14 ceived under subsection (a) with respect to such
15 year;

16 “(C) in each of the seventh and eighth
17 years of participation in the program, an
18 amount equal to 75 percent of the amount such
19 entity received under subsection (a) with re-
20 spect to such year; and

21 “(D) in the ninth year and each subse-
22 quent year thereafter of participation in the
23 program, an amount equal to 100 percent of
24 the amount such entity received under sub-
25 section (a) with respect to such year.

1 “(2) EXCEPTION FOR INDIAN TRIBES.—The
2 Secretary may modify or waive the matching fund
3 requirements under paragraph (1) in the case of an
4 eligible entity that is an Indian tribe.

5 “(3) REALLOTMENT.—If an eligible entity re-
6 turns to the Secretary any portion of the grant
7 amount provided to such eligible entity under this
8 subpart for any fiscal year, or requests a grant
9 amount that is less than the Federal share deter-
10 mined for such entity in accordance with subsection
11 (a), the Secretary shall reallocate such excess amount
12 for the succeeding fiscal year, in addition to the
13 amounts appropriated under 4990 for such suc-
14 ceeding fiscal year.

15 “(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds
16 awarded under this subpart shall be used to supplement,
17 and not supplant, other Federal, State, tribal, and local
18 funds that would otherwise be expended to carry out ac-
19 tivities assisted under this subpart.

20 **“SEC. 499K. APPLICATIONS.**

21 “(a) IN GENERAL.—To be eligible to participate in
22 the program under this subpart, an eligible entity shall
23 submit an application to the Secretary at such time, in
24 such manner, and containing such information as the Sec-
25 retary may require, including—

1 “(1) a plan that includes—

2 “(A) the amount of funds requested by the
3 eligible entity under this subpart and the in-
4 tended use of such funds;

5 “(B) how the eligible entity will use the re-
6 quested funds to implement promising and evi-
7 dence-based institutional reforms and innovative
8 practices to improve student outcomes, includ-
9 ing—

10 “(i) implementation of the reforms
11 and practices identified by such entity
12 under section 499C(b)(3); and

13 “(ii) annual implementation bench-
14 marks that the entity will use to track
15 progress in implementing such reforms and
16 practices;

17 “(C) if the eligible entity is a State, how
18 such eligible entity will support the scaling of
19 evidence-based and innovative initiatives sys-
20 tem-wide;

21 “(D) how the eligible entity will meet its
22 matching fund requirements under section
23 499J(b);

24 “(E) if the eligible entity is a State, how
25 such eligible entity will prioritize spending on

1 the public institutions of higher education speci-
2 fied in paragraph (2)(B); and

3 “(F) the improvements the eligible entity
4 anticipates in student outcomes, including im-
5 provements in transfer rates or completion
6 rates, or both; and

7 “(2) if the eligible entity is a State, an analysis
8 that includes—

9 “(A) with respect to each public institution
10 of higher education of the eligible entity—

11 “(i) the total per-student funding;

12 “(ii) the amount of per-student fund-
13 ing from State-appropriated funds;

14 “(iii) the student demographics (in-
15 cluding data on race, income, disability
16 status, and remediation); and

17 “(iv) transfer and completion rates,
18 including such rates among low-income
19 students, students of color, students with
20 disabilities, and students in need of reme-
21 diation; and

22 “(B) whether, of the public institutions of
23 higher education of the eligible entity, the pub-
24 lic institutions of higher education that received
25 less funding on a per-student basis described in

1 clause (i) or (ii), or both, of subparagraph (A),
2 are serving disproportionately high shares of
3 low-income students, students of color, students
4 with disabilities, or students in need of remedi-
5 ation.

6 “(b) APPROVAL.—

7 “(1) IN GENERAL.—Not later than 180 days
8 after receiving a plan under subsection (a), the Sec-
9 retary shall—

10 “(A) approve the plan; or

11 “(B) require revisions to such plan.

12 “(2) REVISIONS REQUIRED.—An eligible entity
13 shall make such revisions as required by the Sec-
14 retary under paragraph (1)(B).

15 “(c) PUBLICATION.—The Secretary shall make each
16 plan approved under subsection (b)(1)(A) and each plan
17 revised under subsection (b)(2) available to the public on
18 the website of the Department.

19 **“SEC. 499L. PROGRAM REQUIREMENTS.**

20 “(a) GENERAL REQUIREMENTS.—

21 “(1) REPORT ON DEMONSTRATED PROGRESS.—

22 For the third year in which an eligible entity partici-
23 pates in the program under this subpart, and every
24 2 years thereafter, the eligible entity shall submit a
25 report to the Secretary, in such manner and con-

1 taining such information as the Secretary may re-
2 quire, that includes—

3 “(A) the progress in meeting the annual
4 implementation benchmarks included in the ap-
5 plication of such eligible entity under section
6 499K(a)(1)(B);

7 “(B) the progress in improving the student
8 outcomes identified by the entity under section
9 499K(a)(1)(F); and

10 “(C) with respect to the 2 years after such
11 report is submitted—

12 “(i) a plan for the use of funds under
13 this subpart; and

14 “(ii) the amount of funds requested
15 by the eligible entity under this subpart.

16 “(2) APPROVAL.—Not later than 180 days
17 after receiving a plan under paragraph (1)(C)(i), the
18 Secretary shall—

19 “(A) approve the plan; or

20 “(B) require revisions to such plan.

21 “(3) REVISIONS REQUIRED.—An eligible entity
22 shall make such revisions as required by the Sec-
23 retary under paragraph (2)(B).

24 “(b) FAILURE TO MEET REQUIREMENTS.—If an eli-
25 gible entity does not meet the annual implementation

1 benchmarks included in the application of such eligible en-
2 tity under section 499K(a)(1)(B), as required to be re-
3 ported under subsection (a)(1)(A), such eligible entity
4 shall submit to the Secretary, at such time and in such
5 manner as the Secretary may require—

6 “(1) a written explanation for the delay in
7 meeting such requirements; and

8 “(2) a plan that will enable such eligible entity
9 to meet such requirements not later than 1 year
10 after the date on which the eligible entity submitted
11 the written explanation under paragraph (1).

12 “(c) PUBLICATION.—The Secretary shall make each
13 plan approved under subsection (a)(2)(A), each plan re-
14 vised under subsection (a)(3), and each plan submitted
15 under subsection (b)(2) available to the public on the
16 website of the Department.

17 **“SEC. 499M. ALLOWABLE USES OF FUNDS.**

18 “(a) IN GENERAL.—Except as provided in subsection
19 (b), an eligible entity shall use a grant under this subpart
20 only to carry out the plan approved or revised for such
21 year under section 499K.

22 “(b) USE OF FUNDS FOR ADMINISTRATIVE PUR-
23 POSES.—An eligible entity that receives a grant under this
24 subpart may use not more than 5 percent of such grant

1 for administrative purposes relating to the grant under
2 this subpart.

3 “(c) PROHIBITED USES OF FUNDS.—No funds re-
4 ceived under this section shall be used to—

5 “(1) pay contractors for the provision of pre-en-
6 rollment recruitment activities through a revenue
7 sharing agreement; or

8 “(2) fund endowments, athletics, sectarian in-
9 struction, or religious worship.

10 **“SEC. 499N. ELIGIBLE ENTITY DEFINED.**

11 “In this subpart, the term ‘eligible entity’ means a
12 State or Indian tribe that is a recipient of a grant under
13 subpart 1.

14 **“SEC. 499O. APPROPRIATIONS.**

15 “(a) AUTHORIZATION AND APPROPRIATIONS.—There
16 are authorized to be appropriated, and there are appro-
17 priated to carry out this subpart (in addition to any other
18 amounts appropriated to carry out this subpart and out
19 of any money in the Treasury not otherwise appropriated),
20 \$1,000,000,000 for fiscal year 2022 and each succeeding
21 fiscal year.

22 “(b) AVAILABILITY.—Funds appropriated under sub-
23 section (a) shall remain available to the Secretary until
24 expended.”.

1 **TITLE III—PATHWAYS TO STU-**
 2 **DENT SUCCESS FOR HISTORI-**
 3 **CALLY BLACK COLLEGES AND**
 4 **UNIVERSITIES, TRIBAL COL-**
 5 **LEGES AND UNIVERSITIES,**
 6 **AND MINORITY-SERVING IN-**
 7 **STITUTIONS**

8 **SEC. 301. GRANTS TO HISTORICALLY BLACK COLLEGES**
 9 **AND UNIVERSITIES, TRIBAL COLLEGES AND**
 10 **UNIVERSITIES, AND MINORITY-SERVING IN-**
 11 **STITUTIONS.**

12 Part J of title IV of the Higher Education Act of
 13 1965 (20 U.S.C. 1070 et seq.), as added and amended
 14 by this Act, is further amended by adding at the end the
 15 following:

16 **“Subpart 3—Grants to Historically Black Colleges**
 17 **and Universities, Tribal Colleges and Univer-**
 18 **sities, and Minority-Serving Institutions**

19 **“SEC. 499P. PATHWAYS TO STUDENT SUCCESS FOR HIS-**
 20 **TORICALLY BLACK COLLEGES AND UNIVER-**
 21 **SITIES.**

22 “From amounts appropriated under section 499U(a)
 23 for any fiscal year, the Secretary shall award grants to
 24 participating historically Black colleges or universities
 25 that meet the requirements of section 499S(a) to—

1 “(1) encourage students to enroll and success-
2 fully complete a bachelor’s degree at such colleges
3 and universities;

4 “(2) provide incentives to community college
5 students to transfer to such colleges and universities
6 through strong transfer pathways to complete a
7 bachelor’s degree program; and

8 “(3) support such colleges and universities to
9 better serve new and existing students by engaging
10 in reforms and innovations designed to improve com-
11 pletion rates and other student outcomes.

12 **“SEC. 499Q. PATHWAYS TO STUDENT SUCCESS FOR TRIBAL**
13 **COLLEGES AND UNIVERSITIES.**

14 “From amounts appropriated under section 499U(a)
15 for any fiscal year, the Secretary shall award grants to
16 participating Tribal Colleges or Universities that meet the
17 requirements of section 499S(a) to—

18 “(1) encourage students to enroll and success-
19 fully complete a bachelor’s degree at such Colleges
20 and Universities;

21 “(2) provide incentives to community college
22 students to transfer to such Colleges and Univer-
23 sities through strong transfer pathways to complete
24 a bachelor’s degree program; and

1 “(3) support such Colleges and Universities to
 2 better serve new and existing students by engaging
 3 in reforms and innovations designed to improve com-
 4 pletion rates and other student outcomes.

5 **“SEC. 499R. PATHWAYS TO STUDENT SUCCESS FOR ALASKA**
 6 **NATIVE-SERVING INSTITUTIONS, ASIAN**
 7 **AMERICAN AND NATIVE AMERICAN PACIFIC**
 8 **ISLANDER-SERVING INSTITUTIONS, HIS-**
 9 **PANIC-SERVING INSTITUTIONS, NATIVE**
 10 **AMERICAN-SERVING NONTRIBAL INSTITU-**
 11 **TIONS, NATIVE HAWAIIAN-SERVING INSTITU-**
 12 **TIONS, AND PREDOMINANTLY BLACK INSTI-**
 13 **TUTIONS.**

14 “From amounts appropriated under section 499U(a)
 15 for any fiscal year, the Secretary shall award grants to
 16 participating Alaska Native-serving institutions, Asian
 17 American and Native American Pacific Islander-serving
 18 institutions, Hispanic-serving institutions, Native Amer-
 19 ican-serving nontribal institutions, Native Hawaiian-serv-
 20 ing institutions, and Predominantly Black institutions
 21 that meet the requirements of section 499S(a) to—

22 “(1) encourage students to enroll and success-
 23 fully complete a bachelor’s degree at such institu-
 24 tions;

1 “(2) provide incentives to community college
2 students to transfer to such institutions through
3 strong transfer pathways to complete a bachelor’s
4 degree program; and

5 “(3) support such institutions to better serve
6 new and existing students by engaging in reforms
7 and innovations designed to improve completion
8 rates and other student outcomes.

9 **“SEC. 499S. GRANT TERMS.**

10 “(a) INSTITUTIONAL ELIGIBILITY.—An institution
11 shall meet the requirements of this subsection if the insti-
12 tution—

13 “(1) in a public or nonprofit 4-year institution
14 that has a student body of which not less than 35
15 percent are low-income students;

16 “(2) commits to maintaining or adopting and
17 implementing promising and evidence-based institu-
18 tional reforms and innovative practices to improve
19 the completion rates and other student outcomes,
20 such as—

21 “(A) providing comprehensive academic,
22 career, and student support services (including
23 mentoring, advising, case management services,
24 and career pathway navigation), especially for
25 low-income, first-generation, and adult stu-

1 dents, and other students belonging to racial
2 and other groups that are historically underrep-
3 resented in higher education;

4 “(B) providing direct support services, or
5 assistance in applying for such services, such
6 as—

7 “(i) childcare, transportation, and
8 emergency financial assistance;

9 “(ii) assistance in obtaining health in-
10 surance coverage and accessing health care
11 services, including behavioral and mental
12 health services;

13 “(iii) affordable housing;

14 “(iv) nutrition assistance programs or
15 free or discounted food; and

16 “(v) means-tested Federal benefit pro-
17 grams, or similar State, tribal, or local
18 benefit programs;

19 “(C) providing accelerated learning oppor-
20 tunities and degree pathways, such as dual or
21 concurrent enrollment programs and pathways
22 to graduate and professional degree programs;

23 “(D) partnering with employers, industry,
24 nonprofit associations, and other groups to pro-

1 vide opportunities to advance learning outside
2 the classroom, including—

3 “(i) work-based learning opportunities
4 (such as internships or apprenticeships); or

5 “(ii) programs designed to improve
6 inter-cultural development and personal
7 growth (such as foreign exchange and
8 study abroad programs); or

9 “(E) strengthening remedial education, es-
10 pecially for low-income, first-generation, and
11 adult students, and other students belonging to
12 racial and other groups that are historically
13 underrepresented in higher education, including
14 through the use of multiple measures (such as
15 a student’s college entrance examination score,
16 grade point average, high school course list, or
17 a placement examination) to identify students
18 in need of remedial education;

19 “(3) sets performance goals for improving stu-
20 dent outcomes for the duration of the grant; and

21 “(4) if receiving a grant for transfer students,
22 has a formal, statewide articulation agreement with
23 community colleges in the State in which such insti-
24 tution operates that guarantees—

1 “(A) that a student who earns postsec-
2 ondary credit at any community college in such
3 State shall be able to fully transfer such credit
4 toward meeting related degree or certificate re-
5 quirements at such institution; and

6 “(B) that associate degrees awarded by
7 community colleges in the State are fully trans-
8 ferable to, and credited as, the first 2 years of
9 related baccalaureate programs at such institu-
10 tion.

11 “(b) GRANT AMOUNT.—

12 “(1) INITIAL AMOUNT.—For the first year that
13 an eligible institution participates in the grant pro-
14 gram under this subpart and subject to paragraph
15 (3), such eligible institution shall receive a grant in
16 an amount based on the product of—

17 “(A) the actual cost of tuition and fees at
18 the eligible institution in such year (referred to
19 in this subpart as the per-student rebate); and

20 “(B) the number of eligible students en-
21 rolled in the eligible institution for the pre-
22 ceding year.

23 “(2) SUBSEQUENT INCREASES.—For each suc-
24 ceeding year after the first year of the grant pro-
25 gram under this subpart, each participating eligible

1 institution shall receive a grant in the amount deter-
2 mined under paragraph (1) for such year, except
3 that in no case shall the amount of the per-student
4 rebate for an eligible institution increase by more
5 than 3 percent as compared to the amount of such
6 rebate for the preceding year.

7 “(3) LIMITATIONS.—

8 “(A) MAXIMUM PER-STUDENT REBATE.—

9 No eligible institution participating in the grant
10 program under this subpart shall receive a per-
11 student rebate amount for any year that is
12 greater than the national average of annual tui-
13 tion and fees at public 4-year institutions of
14 higher education for such year, as determined
15 by the Secretary.

16 “(B) FIRST-YEAR TUITION AND FEES.—

17 During the first year of participation in the
18 grant program under this subpart, no eligible
19 institution may increase tuition and fees at a
20 rate greater than any annual increase at the eli-
21 gible institution in the previous 5 years.

22 “(4) STUDENTS ENROLLED LESS THAN FULL-

23 TIME.—The Secretary shall develop and implement a
24 formula for making adjustments to grant amounts
25 under this subpart based on the number of eligible

1 students at each eligible institution enrolled less
2 than full-time and the associated tuition and fees
3 charged to such students in proportion to the degree
4 to which each such student is not attending on a
5 full-time basis.

6 “(c) APPLICATION.—An eligible institution that de-
7 sires a grant under this subpart shall submit an applica-
8 tion to the Secretary at such time, in such manner, and
9 containing such information as the Secretary may require.

10 “(d) USE OF FUNDS.—Funds awarded under this
11 subpart to a participating eligible institution shall be used
12 to waive or significantly reduce tuition and fees for eligible
13 students by an amount not to exceed the annual per-stu-
14 dent rebate amount. Such funds under this subpart may
15 only be used to waive or reduce tuition and fees for the
16 first 60 credits for which an eligible student is enrolled
17 in the participating eligible institution.

18 “(e) SUPPLEMENT, NOT SUPPLANT.—Funds made
19 available under section 499U to carry out this subpart
20 shall be used to supplement, and not supplant, other Fed-
21 eral, State, tribal, and local funds that would otherwise
22 be expended to carry out activities under this subpart.

23 **“SEC. 499T. DEFINITIONS.**

24 “In this subpart:

1 “(1) ALASKA NATIVE-SERVING INSTITUTION.—
2 The term ‘Alaska Native-serving institution’ has the
3 meaning given such term in section 317(b).

4 “(2) ASIAN AMERICAN AND NATIVE AMERICAN
5 PACIFIC ISLANDER-SERVING INSTITUTION.—The
6 term ‘Asian American and Native American Pacific
7 Islander-serving institution’ has the meaning given
8 such term in section 371(c).

9 “(3) ELIGIBLE STUDENT.—The term ‘eligible
10 student’ means a student, regardless of age, who—

11 “(A) is enrolled in an eligible program (as
12 defined in section 481(b)) at a participating eli-
13 gible institution, on at least a half-time basis;

14 “(B) is a low-income student;

15 “(C) has been enrolled at such partici-
16 pating eligible institution under this subpart for
17 not more than 60 credits; and

18 “(D) has not been enrolled (whether full-
19 time or less than full-time) for more than 6 se-
20 mesters (or the equivalent) for which the stu-
21 dent received a benefit under this subpart.

22 “(4) HISPANIC-SERVING INSTITUTION.—The
23 term ‘Hispanic-serving institution’ has the meaning
24 given such term in section 502.

1 “(5) HISTORICALLY BLACK COLLEGE OR UNI-
2 VERSITY.—The term ‘historically Black college or
3 university’ means a part B institution described in
4 section 322(2).

5 “(6) LOW-INCOME STUDENT.—The term ‘low-
6 income student’ shall include—

7 “(A) any student eligible for a Federal Pell
8 Grant under section 401; and

9 “(B) any student who meets the financial
10 eligibility criteria for receiving a Federal Pell
11 Grant under section 401, but who is ineligible
12 to receive a Federal Pell Grant.

13 “(7) NATIVE AMERICAN-SERVING NONTRIBAL
14 INSTITUTION.—The term ‘Native American-serving
15 nontribal institution’ has the meaning given such
16 term in section 371(c).

17 “(8) NATIVE HAWAIIAN-SERVING INSTITU-
18 TION.—The term ‘Native Hawaiian-serving institu-
19 tion’ has the meaning given such term in section
20 317(b).

21 “(9) PREDOMINANTLY BLACK INSTITUTION.—
22 The term ‘Predominantly Black institution’ has the
23 meaning given such term in section 371(c).

1 “(10) TRIBAL COLLEGE OR UNIVERSITY.—The
2 term ‘Tribal College or University’ has the meaning
3 given the term in section 316(b)(3).

4 **“SEC. 499U. APPROPRIATIONS.**

5 “(a) AUTHORIZATION AND APPROPRIATIONS FOR
6 HBCU, TCU, AND MSI GRANTS.—For the purpose of
7 carrying out this subpart there are authorized to be appro-
8 priated, and there are appropriated—

9 “(1) \$98,100,000 for fiscal year 2022;

10 “(2) \$321,040,000 for fiscal year 2023;

11 “(3) \$1,912,010,000 for fiscal year 2024;

12 “(4) \$1,988,710,000 for fiscal year 2025;

13 “(5) \$2,068,960,000 for fiscal year 2026;

14 “(6) \$2,151,010,000 for fiscal year 2027;

15 “(7) \$2,184,900,000 for fiscal year 2028;

16 “(8) \$2,329,370,000 for fiscal year 2029;

17 “(9) \$2,423,910,000 for fiscal year 2030; and

18 “(10) \$2,521,990,000 for fiscal year 2031 and

19 each succeeding fiscal year.

20 “(b) AVAILABILITY.—Funds appropriated under sub-
21 section (a) for a fiscal year are to remain available to the
22 Secretary through the two fiscal years following such fiscal
23 year.

24 “(c) INSUFFICIENT FUNDS.—If the amount appro-
25 priated under subsection (a) for a fiscal year is not suffi-

1 cient to award each institution participating in the grant
2 programs under sections 499P, 499Q, and 499R a grant
3 under this subpart equal to 100 percent of the grant
4 amount determined under section 499S(b), the Secretary
5 may ratably reduce the amount of each such grant or take
6 other actions necessary to ensure an equitable distribution
7 of such amount appropriated under subsection (a).”.

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