

117TH CONGRESS  
1ST SESSION

# S. 1288

To amend the Higher Education Act of 1965 to ensure College for All.

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## IN THE SENATE OF THE UNITED STATES

APRIL 21, 2021

Mr. SANDERS (for himself, Ms. WARREN, Mr. PADILLA, Mr. MURPHY, Mr. MERKLEY, Mr. MARKEY, Mr. LEAHY, Mr. BLUMENTHAL, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Higher Education Act of 1965 to ensure  
College for All.

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 “College for All Act  
5 of 2021”.

1 **TITLE I—FEDERAL-STATE PART-**  
 2 **nership to Eliminate Tui-**  
 3 **tion and Required Fees**

4 **SEC. 101. FEDERAL-STATE PARTNERSHIP TO ELIMINATE**  
 5 **Tuition and Required Fees.**

6 The Higher Education Act of 1965 (20 U.S.C. 1001  
 7 et seq.) is amended by adding at the end the following:

8 **“TITLE IX—FEDERAL-STATE**  
 9 **Partnership to Eliminate**  
 10 **Tuition and Required**  
 11 **Fees**

12 **“SEC. 901. GRANT PROGRAM TO ELIMINATE TUITION AND**  
 13 **Required Fees at Public Institutions**  
 14 **of Higher Education and Tribal Col-**  
 15 **leges and Universities.**

16 **“(a) DEFINITIONS.—**In this section:

17 **“(1) AWARD YEAR.—**The term ‘award year’ has  
 18 the meaning given the term in section 481(a).

19 **“(2) COMMUNITY COLLEGE.—**The term ‘com-  
 20 munity college’ means—

21 **“(A)** a public institution of higher edu-  
 22 cation at which the credential that is predomi-  
 23 nantly awarded to students is at the sub-bacca-  
 24 laurate level; or

1           “(B) a public postsecondary vocational in-  
2           stitution, as defined under section 102(e).

3           “(3) COST OF ATTENDANCE.—The term ‘cost of  
4           attendance’ has the meaning given the term in sec-  
5           tion 472.

6           “(4) DUAL OR CONCURRENT ENROLLMENT  
7           PROGRAM.—The term ‘dual or concurrent enrollment  
8           program’ has the meaning given the term in section  
9           8101 of the Elementary and Secondary Education  
10          Act of 1965.

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

15          “(6) ELIGIBLE INDIAN ENTITY.—The term ‘eli-  
16          gible Indian entity’ means the entity responsible for  
17          the governance, operation, or control of a Tribal Col-  
18          lege or University.

19          “(7) ELIGIBLE STUDENT.—The term ‘eligible  
20          student’ means an individual, regardless of age, who  
21          has not obtained a baccalaureate degree or higher  
22          degree and—

23                 “(A) is enrolled, or plans to enroll, in a  
24                 community college in the State in which the in-

1           dividual is a resident or in a 2-year Tribal Col-  
2           lege or University; or

3           “(B) is a working class or middle class stu-  
4           dent, as described in subsection (d)(3), who is  
5           enrolled or plans to enroll in a 4-year public in-  
6           stitution of higher education in the State in  
7           which the individual is a resident or in a 4-year  
8           Tribal College or University.

9           “(8) FULL-TIME EQUIVALENT ELIGIBLE STU-  
10          DENTS.—The term ‘full-time equivalent eligible stu-  
11          dents’, when used with respect to an institution of  
12          higher education, has the meaning given the term  
13          ‘full-time equivalent students’, except that the cal-  
14          culation shall be made based on the number of eligi-  
15          ble students enrolled at such institution.

16          “(9) FULL-TIME EQUIVALENT STUDENTS.—The  
17          term ‘full-time equivalent students’ means the sum  
18          of the number of students enrolled full time at an  
19          institution, plus the full-time equivalent of the num-  
20          ber of students enrolled part time (determined on  
21          the basis of the quotient of the sum of the credit  
22          hours of all part-time students divided by 12) at  
23          such institution.

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

4           “(11) PUBLIC 4-YEAR INSTITUTION OF HIGHER  
5           EDUCATION.—The term ‘public 4-year institution of  
6           higher education’ means a public institution of high-  
7           er education that is not a community college.

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

11          “(13) 2-YEAR TRIBAL COLLEGE OR UNIVER-  
12          SITY.—The term ‘2-year Tribal College or Univer-  
13          sity’ means a Tribal College or University at which  
14          the credential that is predominantly awarded to stu-  
15          dents is at the sub-baccalaureate level.

16          “(14) 4-YEAR TRIBAL COLLEGE OR UNIVER-  
17          SITY.—The term ‘4-year Tribal College or Univer-  
18          sity’ means a Tribal College or University that is not  
19          a 2-year Tribal College or University.

20          “(b) PROGRAM AUTHORIZED.—

21                 “(1) GRANTS AUTHORIZED.—From amounts  
22                 appropriated under subsection (g), the Secretary  
23                 shall award grants, from allotments under sub-  
24                 section (c), to States and eligible Indian entities hav-

1       ing applications approved under subsection (e), to  
2       enable the States and eligible Indian entities—

3               “(A) to eliminate tuition and required fees  
4               for all eligible students at community colleges  
5               in the State or at 2-year Tribal Colleges and  
6               Universities of the eligible Indian entity; and

7               “(B) to eliminate tuition and required fees  
8               for working class and middle class eligible stu-  
9               dents, as described in subsection (d)(3), at pub-  
10              lic 4-year institutions of higher education in the  
11              State or 4-year Tribal Colleges and Universities  
12              of the eligible Indian entity.

13       “(2) NON-FEDERAL SHARE REQUIREMENT.—

14              “(A) IN GENERAL.—Except as provided in  
15              subparagraphs (B) and (C), each State or eligi-  
16              ble Indian entity that receives a grant under  
17              this section shall provide a non-Federal share of  
18              funds for an award year from non-Federal  
19              sources in an amount that is equal to 25 per-  
20              cent of the amount required to eliminate tuition  
21              and required fees—

22                      “(i) in the case of a State, at commu-  
23                      nity colleges in the State for all eligible  
24                      students and at public 4-year institutions  
25                      of higher education in the State for work-

1 ing class and middle class eligible students,  
 2 as described in subsection (d)(3), for the  
 3 award year; and

4 “(ii) in the case of an eligible Indian  
 5 entity, at 2-year Tribal Colleges and Uni-  
 6 versities of the eligible Indian entity for all  
 7 eligible students and at 4-year Tribal Col-  
 8 leges and Universities of the eligible Indian  
 9 entity for working class and middle class  
 10 eligible students, as described in subsection  
 11 (d)(3), for the award year.

12 “(B) NON-FEDERAL SHARE REQUIREMENT  
 13 FOR CERTAIN ELIGIBLE INDIAN ENTITIES.—

14 “(i) IN GENERAL.—In the case of an  
 15 eligible Indian entity that receives a grant  
 16 under this section for an award year for  
 17 which not less than 75 percent of the stu-  
 18 dents enrolled in the 2-year Tribal Colleges  
 19 and Universities and 4-year Tribal Colleges  
 20 and Universities of the eligible Indian enti-  
 21 ty are low-income students, such eligible  
 22 Indian entity shall provide a non-Federal  
 23 share of funds from non-Federal sources in  
 24 an amount that is equal to not more than  
 25 5 percent of the amount necessary to elimi-

1           nate tuition and required fees at 2-year  
2           Tribal Colleges and Universities of the eli-  
3           gible Indian entity for all eligible students  
4           and at 4-year Tribal Colleges and Univer-  
5           sities of the eligible Indian entity for work-  
6           ing class and middle class eligible students,  
7           as described in subsection (d)(3), for the  
8           award year.

9           “(ii) LOW-INCOME STUDENT.—In this  
10          subparagraph, the term ‘low-income stu-  
11          dent’ has the meaning given such term by  
12          the Secretary, except that such term shall  
13          not exclude any student eligible for a Fed-  
14          eral Pell Grant under section 401.

15          “(iii) DATA.—In calculating the num-  
16          ber of enrolled students and low-income  
17          students for purposes of clause (i), the  
18          Secretary shall use—

19                 “(I) for the first award year of  
20                 the program under this section, the  
21                 number of students enrolled in award  
22                 year 2019–2020; and

23                 “(II) for each subsequent award  
24                 year, the projected student enrollment



1 numbers for the award year for which  
2 the allotment is made.

3 “(C) AUTOMATIC STABILIZER.—

4 “(i) IN GENERAL.—Notwithstanding  
5 subparagraph (A) and subsection (c)(1), in  
6 the case in which a trigger is turned on—

7 “(I) under clause (ii) with re-  
8 spect to a State, the Secretary shall—

9 “(aa) apply subparagraph  
10 (A), by substituting ‘10 percent’  
11 for ‘25 percent’; and

12 “(bb) apply subsection  
13 (c)(1), by substituting ‘90 per-  
14 cent’ for ‘75 percent’; and

15 “(II) under clause (iii) with re-  
16 spect to an eligible Indian entity, the  
17 Secretary shall—

18 “(aa) in the case in which  
19 subparagraph (B) is not applica-  
20 ble—

21 “(AA) apply subpara-  
22 graph (A), by substituting  
23 ‘10 percent’ for ‘25 percent’;  
24 and

1 “(BB) apply subsection  
2 (c)(1), by substituting ‘90  
3 percent’ for ‘75 percent’; or  
4 “(bb) in the case in which  
5 subparagraph (B) is applicable—

6 “(AA) apply subpara-  
7 graph (B)(i), by substituting  
8 ‘3 percent’ for ‘5 percent’;  
9 and

10 “(BB) apply subsection  
11 (c)(1), by substituting ‘97  
12 percent’ for ‘95 percent’.

13 “(ii) TRIGGER FOR STATES.—A trig-  
14 ger shall be turned on under this clause  
15 with respect to a State if—

16 “(I) the 3-month moving average  
17 of the national prime-age employment-  
18 to-population ratio (PAEPOP) is less  
19 than 98 percent of the maximum in  
20 the previous 12 months, and such  
21 trigger shall stay on until the 3-month  
22 moving average of the national  
23 PAEPOP has improved for three con-  
24 secutive months and is above 95 per-  
25 cent of the maximum in the 12

1 months before the trigger was turned  
2 on;

3 “(II) the 3-month moving aver-  
4 age of the total unemployment rate  
5 (TUR) of the State is at or above 7.5  
6 percent, and such trigger shall stay on  
7 until the 3-month moving average of  
8 the TUR of the State falls below 7.5  
9 percent; or

10 “(III) the 3-month moving aver-  
11 age of the total unemployment rate  
12 (TUR) of the State is at or above 108  
13 percent of the maximum in the pre-  
14 vious 12 months, and such trigger  
15 shall stay on until the 3-month mov-  
16 ing average of the TUR of the State  
17 falls below 115 percent of the max-  
18 imum in the 12 months before the  
19 trigger was turned on.

20 “(iii) TRIGGER FOR ELIGIBLE INDIAN  
21 ENTITY.—A trigger shall be turned on  
22 under this clause with respect to an eligible  
23 Indian entity if any Tribal College or Uni-  
24 versity governed, operated, or controlled by  
25 the eligible Indian entity is located in a

1 State for which a trigger is turned on  
2 under clause (ii).

3 “(iv) INCLUSION OF DETERMINATION  
4 IN EMPLOYMENT STATISTICS REPORTS.—  
5 Notwithstanding any other provision of  
6 law, the Commissioner of the Bureau of  
7 Labor Statistics shall include in each  
8 monthly employment situation report and  
9 each State unemployment and employment  
10 report published by the Commissioner a  
11 specific determination of whether any  
12 State or national trigger is turned on  
13 under this subparagraph.

14 “(3) NO IN-KIND CONTRIBUTIONS.—No in-kind  
15 contribution shall count toward the non-Federal  
16 share requirement under paragraph (2).

17 “(4) SUSTAIN AND EXPAND EXISTING PRO-  
18 GRAMS.—The Secretary shall encourage States to  
19 sustain and expand tuition-free ‘College Promise’  
20 programs that are in existence on the date of enact-  
21 ment of the College for All Act of 2021, especially  
22 for programs that cover the ‘last dollar’ of tuition  
23 and fees after exhausting Federal and State aid.

24 “(c) DETERMINATION OF ALLOTMENT.—

1           “(1) FIRST AWARD YEAR OF PROGRAM.—The  
2           Secretary shall allot, to each eligible State or eligible  
3           Indian entity that submits an application under this  
4           section for a grant under subsection (b)(1) for the  
5           first award year of the program under this section,  
6           an amount that is equal to 75 percent (or not less  
7           than 95 percent in the case of an eligible Indian en-  
8           tity described in subsection (b)(2)(B)) of the total  
9           revenue received—

10                   “(A) in the case of a State, from all eligi-  
11                   ble students at community colleges in the State  
12                   and from working class and middle class eligible  
13                   students, as described in subsection (d)(3), at  
14                   public 4-year institutions of higher education in  
15                   the State in the form of tuition and required  
16                   fees for—

17                           “(i) with respect to a State that did  
18                           not eliminate tuition and required fees as  
19                           described in paragraphs (2) and (3) of  
20                           subsection (d) for the preceding award  
21                           year, award year 2019–2020; or

22                           “(ii) with respect to a State that has  
23                           eliminated tuition and required fees as de-  
24                           scribed in such paragraphs, the last award

1           year that the State charged tuition and re-  
2           quired fees; and

3           “(B) in the case of an eligible Indian enti-  
4           ty, from all eligible students at 2-year Tribal  
5           Colleges and Universities of the eligible Indian  
6           entity and from working class and middle class  
7           eligible students, as described in subsection  
8           (d)(3), at 4-year Tribal Colleges and Univer-  
9           sities of the eligible Indian entity, in the form  
10          of tuition and required fees for—

11           “(i) with respect to an eligible Indian  
12          entity that did not eliminate tuition and  
13          required fees as described in paragraphs  
14          (2) and (3) of subsection (d) for the pre-  
15          ceding award year, award year 2019–2020;  
16          or

17           “(ii) with respect to an eligible Indian  
18          entity that has eliminated tuition and re-  
19          quired fees as described in such para-  
20          graphs, the last award year for which the  
21          eligible Indian entity charged tuition and  
22          required fees.

23           “(2) FIRST AWARD YEAR ALLOTMENT FOR  
24          STATES AND ELIGIBLE INDIAN ENTITIES APPLYING  
25          AFTER THE FIRST YEAR OF THE PROGRAM.—

1           “(A) IN GENERAL.—The Secretary shall  
2 allot to each eligible State or eligible Indian en-  
3 tity that submits its first application for a  
4 grant under subsection (b)(1) for the second or  
5 a subsequent year of the program under this  
6 section, an amount equal to—

7                   “(i) the product of—

8                           “(I) the allotment the eligible  
9 State or eligible Indian entity would  
10 have received in the first award year  
11 of the program under this section if  
12 the State or eligible Indian entity had  
13 submitted an application for such  
14 year;

15                           “(II) the projected full-time  
16 equivalent eligible students figure for  
17 all community colleges and public 4-  
18 year institutions of higher education  
19 of the eligible State, or all 2-year  
20 Tribal Colleges and Universities and  
21 4-year Tribal Colleges and Univer-  
22 sities of the eligible Indian entity, for  
23 the award year for which the allot-  
24 ment is made; and

1           “(III) the amount of additional  
2           expenditures per full-time equivalent  
3           eligible student by the eligible State or  
4           eligible Indian entity that will be nec-  
5           essary to eliminate tuition and re-  
6           quired fees for each such student for  
7           the award year for which the allot-  
8           ment is made; divided by

9           “(ii) the product of—

10           “(I) the full-time equivalent eligi-  
11           ble students figure for all community  
12           colleges and public 4-year institutions  
13           of higher education of the eligible  
14           State, or all 2-year Tribal Colleges  
15           and Universities and 4-year Tribal  
16           Colleges and Universities of the eligi-  
17           ble Indian entity, for the first award  
18           year of the program for which the eli-  
19           gible State or eligible Indian entity  
20           was eligible to submit an application  
21           under this section; and

22           “(II) the amount of expenditures  
23           per full-time equivalent eligible stu-  
24           dent by the eligible State or eligible  
25           Indian entity that would have been



1                   necessary to eliminate tuition and re-  
2                   quired fees for each such student for  
3                   the first award year of the program  
4                   for which the eligible State or eligible  
5                   Indian entity was eligible to submit an  
6                   application under this section.

7                   “(B) PROJECTED ENROLLMENT.—If the  
8                   projected full-time equivalent eligible students  
9                   figure of the State or eligible Indian entity  
10                  under subparagraph (A) is more than 25 per-  
11                  cent larger than the full-time equivalent eligible  
12                  students figure for the preceding year, the Sec-  
13                  retary may challenge such enrollment projection  
14                  and offer an alternative enrollment projection  
15                  which shall be used in the formula under sub-  
16                  paragraph (A) for determining the allotment.

17                  “(3) SUBSEQUENT AWARD YEARS.—

18                  “(A) IN GENERAL.—The Secretary shall  
19                  allot to an eligible State or eligible Indian entity  
20                  submitting an application for a grant under  
21                  subsection (b)(1) for a second or subsequent  
22                  year after receiving a grant under paragraph  
23                  (1) or (2), an amount equal to—

24                  “(i) the product of—

1           “(I) the allotment received for  
2 the first award year for which the eli-  
3 gible State or eligible Indian entity  
4 submitted an application;

5           “(II) the projected full-time  
6 equivalent eligible students figure for  
7 all community colleges and public 4-  
8 year institutions of higher education  
9 of the eligible State, or all 2-year  
10 Tribal Colleges and Universities and  
11 4-year Tribal Colleges and Univer-  
12 sities of the eligible Indian entity, for  
13 the award year for which the allot-  
14 ment is made; and

15           “(III) the amount of additional  
16 expenditures per full-time equivalent  
17 eligible student by the eligible State or  
18 eligible Indian entity that will be nec-  
19 essary to eliminate tuition and re-  
20 quired fees for each such student for  
21 the award year for which the allot-  
22 ment is made; divided by

23           “(ii) the product of—

24           “(I) the full-time equivalent eligi-  
25 ble student figure for all community

1 colleges and public 4-year institutions  
2 of higher education of the eligible  
3 State, or all 2-year Tribal Colleges  
4 and Universities and 4-year Tribal  
5 Colleges and Universities of the eligi-  
6 ble Indian entity, for the first award  
7 year that the State or eligible Indian  
8 entity participates under paragraph  
9 (1) or (2), as the case may be; and

10 “(II) the amount of expenditures  
11 per full-time equivalent eligible stu-  
12 dent by the eligible State or eligible  
13 Indian entity that was necessary to  
14 eliminate tuition and required fees for  
15 each such student for the first award  
16 year that the State or eligible Indian  
17 entity participates under paragraph  
18 (1) or (2), as the case may be.

19 “(B) PROJECTED ENROLLMENT.—If the  
20 projected full-time equivalent eligible students  
21 figure of the State or eligible Indian entity  
22 under subparagraph (A) is more than 25 per-  
23 cent larger than the full-time equivalent eligible  
24 students figure for the preceding year, the Sec-  
25 retary may challenge such enrollment projection

1 and offer an alternative enrollment projection  
2 which shall be used in the formula under sub-  
3 paragraph (A) for determining the allotment.

4 “(4) ACTUAL ENROLLMENT FIGURES.—

5 “(A) IN GENERAL.—By not later than No-  
6 vember 1 of the second award year for which a  
7 State or eligible Indian entity receives an allot-  
8 ment under this section, and each succeeding  
9 November 1, such State or eligible Indian entity  
10 shall report to the Secretary its actual full-time  
11 equivalent eligible students figure for the pre-  
12 ceding award year.

13 “(B) ADJUSTMENTS.—If the actual full-  
14 time equivalent eligible students figure for the  
15 preceding award year reported under subpara-  
16 graph (A)—

17 “(i) exceeds the projected enrollment  
18 that was used for determining the allot-  
19 ment for the preceding award year, not-  
20 withstanding any other provision of this  
21 section, the allotment for the award year in  
22 which the November 1 date falls for the  
23 State or eligible Indian entity shall be in-  
24 creased to reflect such actual enrollment,  
25 which figure shall be increased by the

1 State Gross Domestic Product Price Index,  
2 or the Gross Domestic Product Price Index  
3 of the State in which the eligible Indian  
4 entity operates; or

5 “(ii) is below the projected enrollment  
6 that was used for determining the allot-  
7 ment for the preceding award year, not-  
8 withstanding any other provision of this  
9 section, the allotment for the award year in  
10 which the November 1 date falls for the  
11 State or eligible Indian entity shall be de-  
12 creased to reflect such actual enrollment,  
13 which figure shall be increased by the aver-  
14 age interest rate on 5-year United States  
15 Treasury securities issued during the pre-  
16 ceding award year.

17 “(5) ADDITIONAL FUNDS.—If a State or eligi-  
18 ble Indian entity provides additional funds toward  
19 reducing the cost of attendance and improving in-  
20 struction at institutions of higher education beyond  
21 the cost of eliminating tuition and required fees as  
22 described in paragraphs (2) and (3) of subsection  
23 (d) for any award year that is more than the non-  
24 Federal share requirement under subsection (b)(2)  
25 and the maintenance of expenditures requirement

1 under paragraphs (4) and (5) of subsection (d), the  
2 Secretary shall provide to the State or eligible In-  
3 dian entity an amount equal to such additional fund-  
4 ing provided by the State or eligible Indian entity,  
5 which amount provided by the Secretary may be  
6 used for the activities described in subsection (f)(2).

7 “(d) STATE AND ELIGIBLE INDIAN ENTITY ELIGI-  
8 BILITY REQUIREMENTS.—In order to be eligible to receive  
9 an allotment under this section for an award year, a State  
10 or eligible Indian entity shall comply with the following:

11 “(1) Ensure that public institutions of higher  
12 education in the State or Tribal Colleges and Uni-  
13 versities of the eligible Indian entity maintain ex-  
14 penditures on instruction per full-time equivalent  
15 student at levels that are equal to or exceed the ex-  
16 penditures on instruction per full-time equivalent  
17 student for award year 2019–2020.

18 “(2) Ensure that tuition and required fees for  
19 eligible students in the State’s community college  
20 system or eligible students in the 2-year Tribal Col-  
21 leges and Universities of the eligible Indian entity  
22 are eliminated.

23 “(3)(A) Ensure that tuition and required fees  
24 for eligible students attending the State’s public 4-  
25 year institutions of higher education or eligible stu-

1       dents attending the 4-year Tribal Colleges and Uni-  
2       versities of the eligible Indian entity are eliminated  
3       as follows:

4               “(i) For the first award year of the pro-  
5               gram under this section, the State or eligible  
6               Indian entity shall eliminate tuition and re-  
7               quired fees for such students—

8                       “(I) who are dependent students,  
9                       whose parents’ adjusted gross income for  
10                      the taxable year that is 1 year prior to the  
11                      taxable year that ends immediately prior to  
12                      the beginning of the award year is equal to  
13                      or less than \$125,000; and

14                     “(II) who are independent students,  
15                     whose adjusted gross income for the tax-  
16                     able year that is 1 year prior to the taxable  
17                     year that ends immediately prior to the be-  
18                     ginning of the award year is equal to or  
19                     less than \$125,000.

20               “(ii) For each award year after the first  
21               award year of the program under this section,  
22               the State or eligible Indian entity shall elimi-  
23               nate tuition and required fees for such stu-  
24               dents—

1           “(I) who are dependent students,  
2           whose parents’ adjusted gross income for  
3           the taxable year that is 1 year prior to the  
4           taxable year that ends immediately prior to  
5           the beginning of the award year is equal to  
6           or less than the applicable amount; and

7           “(II) who are independent students,  
8           whose adjusted gross income for the tax-  
9           able year that is 1 year prior to the taxable  
10          year that ends immediately prior to the be-  
11          ginning of the award year is equal to or  
12          less than the applicable amount.

13          “(B)(i) In this paragraph, the term ‘applicable  
14          amount’ means an amount equal to, for any award  
15          year beginning after the calendar year that precedes  
16          the calendar year in which the first award year of  
17          the program under this section begins, the greater  
18          of—

19                 “(I) the amount determined under this  
20                 subparagraph for the preceding award year, or

21                 “(II) an amount equal to the product of—

22                         “(aa) \$125,000, and

23                         “(bb) the ratio of—

24                                 “(AA) the national average wage  
25                                 index (as defined in section 209(k)(1)



1 of the Social Security Act (42 U.S.C.  
2 409(k)(1)) for the calendar year pre-  
3 ceding the calendar year in which the  
4 applicable award year begins, to

5 “(BB) the national average wage  
6 index (as so defined) for 2020.

7 “(ii) If any amount determined under clause (i)  
8 is not a multiple of \$100, such amount shall be  
9 rounded to the nearest multiple of \$100.

10 “(4) Maintain State operating expenditures per  
11 full-time equivalent student for public institutions of  
12 higher education in the State, or operating expendi-  
13 tures per full-time equivalent student for Tribal Col-  
14 leges and Universities of the eligible Indian entity,  
15 excluding the amount of funds provided under this  
16 section, at a level that is equal to or exceeds the  
17 level of such support for award year 2019–2020.

18 “(5) Maintain State expenditures on need-based  
19 financial aid programs for enrollment in public insti-  
20 tutions of higher education in the State or expendi-  
21 tures on need-based financial aid programs for en-  
22 rollment in Tribal Colleges and Universities of the  
23 eligible Indian entity at a level that is equal to or  
24 exceeds the level of such support for award year  
25 2019–2020.

1           “(6) Ensure public institutions of higher edu-  
2           cation in the State or Tribal Colleges and Univer-  
3           sities of the eligible Indian entity maintain funding  
4           for institutional need-based student financial aid in  
5           an amount that is equal to or exceeds the level of  
6           such support for award year 2019–2020.

7           “(7) Provide an assurance that not later than  
8           5 years after the first award year for which the  
9           grant is awarded, not less than 75 percent of in-  
10          struction at public institutions of higher education in  
11          the State or Tribal Colleges and Universities of the  
12          eligible Indian entity is provided by tenure-track or  
13          tenured faculty.

14          “(8) Provide an assurance that public institu-  
15          tions of higher education in the State or Tribal Col-  
16          leges and Universities of the eligible Indian entity  
17          make it a priority to hire from the existing adjunct,  
18          contract, contingent, and non-tenure track or  
19          tenured faculty pool for tenure-track or tenured fac-  
20          ulty positions.

21          “(9) Require that public institutions of higher  
22          education in the State or Tribal Colleges and Uni-  
23          versities of the eligible Indian entity provide, for  
24          each student enrolled at the institution who receives  
25          the maximum Federal Pell Grant award under sub-

1 part 1 of part A of title IV, institutional student fi-  
2 nancial aid (excluding student loans) in an amount  
3 equal to 100 percent of the difference between—

4 “(A) the cost of attendance at such institu-  
5 tion; and

6 “(B) the sum of—

7 “(i) the amount of the maximum Fed-  
8 eral Pell Grant award; and

9 “(ii) the student’s expected family  
10 contribution.

11 “(10) Ensure that public institutions of higher  
12 education in the State or Tribal Colleges and Uni-  
13 versities of the eligible Indian entity not adopt poli-  
14 cies to reduce enrollment.

15 “(11) Provide an assurance that public institu-  
16 tions of higher education in the State or Tribal Col-  
17 leges and Universities of the eligible Indian entity  
18 will not charge out of State students an amount that  
19 exceeds the marginal cost of attending institutions of  
20 higher education in the State or Tribal Colleges and  
21 Universities of the eligible Indian entity.

22 “(12) Provide an assurance that public institu-  
23 tions of higher education in the State or Tribal Col-  
24 leges and Universities of the eligible Indian entity  
25 that charge non-eligible in-State students tuition and

1 required fees, will not charge such students a rate  
2 that exceeds the rate for the last year that tuition  
3 and required fees were charged to eligible students,  
4 increased by the percentage change for subsequent  
5 years in the expenditures per full-time equivalent eli-  
6 gible student by the State or eligible entity that is  
7 necessary to continue to eliminate tuition and re-  
8 quired fees for eligible students.

9 “(13) Provide an assurance that public institu-  
10 tions of higher education in the State or Tribal Col-  
11 leges and Universities of the eligible Indian entity  
12 maintain a disability services personnel to enrolled  
13 student ratio of 1 to 500, and that such full-time  
14 employees be specifically dedicated to serving stu-  
15 dents with disabilities.

16 “(e) SUBMISSION AND CONTENTS OF APPLICA-  
17 TION.—For each award year for which a State or eligible  
18 Indian entity desires a grant under this section, an appli-  
19 cation shall be submitted to the Secretary at such time,  
20 in such manner, and containing such information as the  
21 Secretary may require. Such application shall be sub-  
22 mitted by—

23 “(1) in the case of a State, the State agency  
24 with jurisdiction over higher education or another  
25 agency designated by the Governor or chief executive

1 of the State to administer the program under this  
2 section; and

3 “(2) in the case of an eligible Indian entity, the  
4 eligible Indian entity or a Tribal College or Univer-  
5 sity of the eligible Indian entity.

6 “(f) USE OF FUNDS.—

7 “(1) IN GENERAL.—A State or eligible Indian  
8 entity that receives a grant under this section shall  
9 use the grant funds and the non-Federal share  
10 funds required under this section—

11 “(A) to eliminate tuition and required fees  
12 for all eligible students at community colleges  
13 in the State or at 2-year Tribal Colleges and  
14 Universities of the eligible Indian entity; and

15 “(B) to eliminate tuition and required fees  
16 for working class and middle class eligible stu-  
17 dents, as described in subsection (d)(3), at pub-  
18 lic 4-year institutions of higher education in the  
19 State or 4-year Tribal Colleges and Universities  
20 of the eligible Indian entity.

21 “(2) ADDITIONAL FUNDING.—Once tuition and  
22 required fees have been eliminated pursuant to para-  
23 graph (1), a State or eligible Indian entity that re-  
24 ceives a grant under this section shall use any re-  
25 maining grant funds and non-Federal share funds

1 required under this section to reduce the cost of at-  
2 tendance and increase the quality of instruction and  
3 student support services at public institutions of  
4 higher education in the State or at Tribal Colleges  
5 and Universities of the eligible Indian entity by car-  
6 rying out any of the following:

7           “(A) Providing additional non-loan aid to  
8 students, which may include need-based student  
9 financial aid, to reduce or eliminate the cost of  
10 attendance for a public institution of higher  
11 education or a Tribal College or University be-  
12 yond eliminating tuition and required fees.

13           “(B) Expanding academic course offerings  
14 and high-quality occupational skills training  
15 programs to students.

16           “(C) Increasing the number and percent-  
17 age of full-time instructional faculty, including  
18 full-time tenure and tenure-track instructional  
19 faculty.

20           “(D) Providing all faculty with profes-  
21 sional supports to help students succeed, such  
22 as professional development opportunities, office  
23 space, and shared governance in the institution.

1           “(E) Compensating part-time faculty for  
2 work done outside of the classroom relating to  
3 instruction, such as holding office hours.

4           “(F) Strengthening and ensuring all stu-  
5 dents have access to student support services  
6 such as academic advising, counseling, and tu-  
7 toring.

8           “(G) Expanding access to dual or concur-  
9 rent enrollment programs and early college high  
10 school programs.

11           “(H) Establishing prison education pro-  
12 grams in partnership with local or State correc-  
13 tional facilities.

14           “(I) Any other additional activities that  
15 improve instructional quality and academic out-  
16 comes for students as approved by the Sec-  
17 retary through a peer review process.

18           “(3) PROHIBITION.—A State or eligible Indian  
19 entity that receives a grant under this section may  
20 not use grant funds or non-Federal share funds re-  
21 quired under this section—

22           “(A) for the construction of a nonacademic  
23 facility, such as a student center or stadium;

24           “(B) for merit-based student financial aid;

1           “(C) for need-based student financial aid  
2           (except to the extent funds available under sub-  
3           section (c)(5) are used to carry out paragraph  
4           (2)(A));

5           “(D) to pay the salaries or benefits of  
6           school administrators;

7           “(E) for capital outlays or deferred main-  
8           tenance; or

9           “(F) for expenditures on athletics other  
10          than activities open to all members of the cam-  
11          pus community.

12       “(g) AUTHORIZATION OF APPROPRIATIONS.—

13           “(1) IN GENERAL.—There are authorized to be  
14          appropriated, and there are appropriated, to carry  
15          out this section—

16           “(A) such sums as may be necessary for  
17          the fourth quarter of fiscal year 2021; and

18           “(B) such sums as may be necessary for  
19          each of the fiscal years 2022 through 2030.

20           “(2) AVAILABILITY OF FUNDS.—Funds made  
21          available pursuant to paragraph (1)(A) shall be  
22          available for obligation from October 1, 2021 to Sep-  
23          tember 30, 2022. Funds made available pursuant to  
24          subparagraph (B) or (C) of paragraph (1) shall be  
25          available for obligation through September 30 of the



1 fiscal year succeeding the fiscal year for which such  
2 sums were appropriated.

3 **“SEC. 902. GRANT PROGRAM FOR PRIVATE HISTORICALLY**  
4 **BLACK COLLEGES AND UNIVERSITIES AND**  
5 **PRIVATE MINORITY-SERVING INSTITUTIONS.**

6 “(a) DEFINITIONS.—Except as otherwise provided, in  
7 this section:

8 “(1) COMMUNITY COLLEGE.—The term ‘com-  
9 munity college’ has the meaning given the term in  
10 section 901.

11 “(2) ELIGIBLE INSTITUTION.—

12 “(A) IN GENERAL.—Except as provided in  
13 subparagraph (D), the term ‘eligible institution’  
14 means a private, nonprofit 2-year institution or  
15 4-year institution that—

16 “(i) is—

17 “(I) a part B institution (as de-  
18 fined in section 322);

19 “(II) a Hispanic-serving institu-  
20 tion (as defined in section 502);

21 “(III) a Tribal College or Univer-  
22 sity (as defined in section 316) whose  
23 entity responsible for the governance,  
24 operation, or control of the College or

1 University has not received a grant  
2 under section 901;

3 “(IV) an Alaska Native-serving  
4 institution or a Native Hawaiian-serv-  
5 ing institution (as defined in section  
6 317(b));

7 “(V) a Predominantly Black in-  
8 stitution (as defined in section  
9 371(c));

10 “(VI) an Asian American and  
11 Native American Pacific Islander-  
12 serving institution (as defined in sec-  
13 tion 371(c)); or

14 “(VII) a Native American-serving  
15 nontribal institution (as defined in  
16 section 371(c));

17 “(ii) ensures that tuition and required  
18 fees for eligible students enrolled in the in-  
19 stitution are eliminated during any period  
20 for which the institution receives a grant  
21 under this section;

22 “(iii) maintains expenditures on in-  
23 struction per a full-time equivalent eligible  
24 student at levels that meet or exceed the  
25 expenditures on instruction per a full-time

1 equivalent eligible student for award year  
2 2019–2020;

3 “(iv) maintains expenditures on need-  
4 based financial aid programs for students  
5 enrolled at the institution at a level that  
6 meets or exceeds the level of such support  
7 for award year 2019–2020;

8 “(v) provides an assurance that the  
9 institution will increase the amount of in-  
10 struction provided by tenured or tenure-  
11 track faculty; and

12 “(vi) does not adopt policies to reduce  
13 enrollment.

14 “(B) 2-YEAR INSTITUTION.—The term ‘2-  
15 year institution’ means an institution at which  
16 the credential that is predominantly awarded to  
17 students is at the sub-baccalaureate level.

18 “(C) 4-YEAR INSTITUTION.—The term ‘4-  
19 year institution’ means an institution that is  
20 not a 2-year institution.

21 “(D) EXCEPTION.—

22 “(i) IN GENERAL.—An eligible institu-  
23 tion as described in subparagraph (A) shall  
24 not be an eligible institution for purposes  
25 of this section for the period described in

1 clause (ii) if such institution was a for-  
 2 profit institution at any time that con-  
 3 verted to a nonprofit institution.

4 “(ii) PERIOD OF INELIGIBILITY.—An  
 5 institution described under clause (i) shall  
 6 not be an eligible institution for purposes  
 7 of this section for a period of 25 years  
 8 from the date the institution converted  
 9 from a for-profit institution to a nonprofit  
 10 institution or 25 years after the date of en-  
 11 actment of this Act, whichever period is  
 12 longer.

13 “(3) ELIGIBLE STUDENT.—

14 “(A) IN GENERAL.—The term ‘eligible stu-  
 15 dent’ means a student enrolled in an eligible in-  
 16 stitution who has not obtained a baccalaureate  
 17 degree or a higher degree and—

18 “(i) for the first award year of the  
 19 program under this section, if the stu-  
 20 dent—

21 “(I) is a dependent student, the  
 22 student’s parents’ adjusted gross in-  
 23 come for the taxable year that is 1  
 24 year prior to the taxable year that  
 25 ends immediately prior to the begin-

1           ning of the award year is equal to or  
2           less than \$125,000; or

3           “(II) is an independent student,  
4           the student’s adjusted gross income  
5           for the taxable year that is 1 year  
6           prior to the taxable year that ends im-  
7           mediately prior to the beginning of  
8           the award year is equal to or less than  
9           \$125,000; and

10          “(ii) for each award year after the  
11          first award year of the program under this  
12          section, if the student—

13               “(I) is a dependent student, the  
14               student’s parents’ adjusted gross in-  
15               come for the taxable year that is 1  
16               year prior to the taxable year that  
17               ends immediately prior to the begin-  
18               ning of the award year is equal to or  
19               less than the applicable amount; and

20               “(II) is an independent student,  
21               the student’s adjusted gross income  
22               for the taxable year that is 1 year  
23               prior to the taxable year that ends im-  
24               mediately prior to the beginning of

1 the award year is equal to or less than  
2 the applicable amount.

3 “(B) APPLICABLE AMOUNT.—

4 “(i) IN GENERAL.—In this paragraph,  
5 the term ‘applicable amount’ means an  
6 amount equal to, for any award year be-  
7 ginning after the calendar year that pre-  
8 cedes the calendar year in which the first  
9 award year of the program under this sec-  
10 tion begins, the greater of—

11 “(I) the amount determined  
12 under this subparagraph for the pre-  
13 ceding award year, or

14 “(II) an amount equal to the  
15 product of—

16 “(aa) \$125,000, and

17 “(bb) the ratio of—

18 “(AA) the national av-  
19 erage wage index (as defined  
20 in section 209(k)(1) of the  
21 Social Security Act (42  
22 U.S.C. 409(k)(1))) for the  
23 calendar year preceding the  
24 calendar year in which the

1 applicable award year be-  
2 gins, to

3 “(BB) the national av-  
4 erage wage index (as so de-  
5 fined) for 2020.

6 “(ii) **ROUNDED.**—If any amount de-  
7 termined under clause (i) is not a multiple  
8 of \$100, such amount shall be rounded to  
9 the nearest multiple of \$100.

10 “(4) **FULL-TIME EQUIVALENT ELIGIBLE STU-**  
11 **DENTS.**—The term ‘full-time equivalent eligible stu-  
12 dents’ means the sum of the number of eligible stu-  
13 dents projected to enroll full time at an institution  
14 for an award year, plus the full-time equivalent of  
15 the number of eligible students projected to be en-  
16 rolled part time (determined on the basis of the  
17 quotient of the sum of the credit hours of all part-  
18 time eligible students divided by 12) at such institu-  
19 tion, for such award year.

20 “(5) **PUBLIC 4-YEAR INSTITUTION OF HIGHER**  
21 **EDUCATION.**—The term ‘public 4-year institution of  
22 higher education’ has the meaning given the term in  
23 section 901.

24 “(b) **AUTHORIZATION OF GRANT PROGRAM.**—

1           “(1) IN GENERAL.—From amounts appro-  
2           priated under subsection (e), the Secretary shall  
3           award grants, from allotments under paragraph (2),  
4           to eligible institutions having applications approved  
5           under subsection (e), to enable the eligible institu-  
6           tions to eliminate tuition and required fees for eligi-  
7           ble students.

8           “(2) ALLOTMENTS.—Subject to paragraph (3),  
9           the Secretary shall allot, for each award year, to  
10          each eligible institution having an application ap-  
11          proved under subsection (e), an amount that is equal  
12          to the product of—

13                 “(A) tuition and required fees for eligible  
14                 students at the eligible institution for the award  
15                 year, and

16                 “(B) the number of full-time equivalent eli-  
17                 gible students projected to enroll in the eligible  
18                 institution for the award year.

19          “(3) LIMITATIONS.—

20                 “(A) LIMITATIONS ON INSTITUTIONAL AL-  
21                 LOTMENTS.—In making allotments under para-  
22                 graph (2) for an award year, the Secretary  
23                 shall not award an allotment that is—

24                         “(i) with respect to an eligible institu-  
25                         tion that operates in a State that has



1 eliminated tuition and required fees as de-  
2 scribed in paragraphs (2) and (3) of sec-  
3 tion 901(d) for the preceding award year,  
4 more than the amount equal to the product  
5 of—

6 “(I) the number of projected full-  
7 time equivalent eligible students for  
8 the award year; and

9 “(II) the expenditures per full-  
10 time equivalent eligible student, in-  
11 cluding the Federal allotment and  
12 non-Federal share, under section 901  
13 for the preceding award year for the  
14 State (or, in the case of a State that  
15 did not receive a grant under such  
16 section for the preceding award year,  
17 the amount needed to eliminate tui-  
18 tion and required fees for full-time  
19 equivalent eligible students in the  
20 State, calculated in the same manner  
21 as such amount is calculated under  
22 section 901(c) for the preceding  
23 award year for the State), at—

24 “(aa) if the eligible institu-  
25 tion is a 2-year institution, com-

1 community colleges in the State in  
2 which the institution operates; or

3 “(bb) if the eligible institu-  
4 tion is a 4-year institution, public  
5 4-year institutions of higher edu-  
6 cation in the State in which the  
7 institution operates; and

8 “(ii) with respect to an eligible insti-  
9 tution that operates in a State that has  
10 not eliminated tuition and required fees as  
11 described in paragraphs (2) and (3) of sec-  
12 tion 901(d) for the preceding award year,  
13 more than the amount equal to the product  
14 of—

15 “(I) the number of projected full-  
16 time equivalent eligible students for  
17 the award year; and

18 “(II) the average tuition and re-  
19 quired fees for the preceding award  
20 year at—

21 “(aa) if the eligible institu-  
22 tion is a 2-year institution, public  
23 2-year institutions of higher edu-  
24 cation in the State in which the  
25 institution operates; or

1                   “(bb) if the eligible institu-  
2                   tion is a 4-year institution, public  
3                   4-year institutions of higher edu-  
4                   cation in the State in which the  
5                   institution operates.

6                   “(B) LIMITATIONS ON TUITION HIKES.—

7                   “(i) FIRST AWARD YEAR.—For the  
8                   first award year for which an eligible insti-  
9                   tution applies for a grant under this sec-  
10                  tion, such eligible institution shall not in-  
11                  crease tuition and required fees at a rate  
12                  that is greater than any annual increase in  
13                  tuition and required fees at the eligible in-  
14                  stitution for the 5 years preceding such  
15                  first award year.

16                  “(ii) SUCCEEDING AWARD YEARS.—

17                  “(I) IN GENERAL.—For each  
18                  award year after the first award year  
19                  for which an eligible institution re-  
20                  ceives a grant under this section, such  
21                  eligible institution shall not increase  
22                  tuition and required fees for eligible  
23                  students from the preceding award  
24                  year at a rate that is greater than the  
25                  percentage increase in the Employ-

1           ment Cost Index for the award year  
2           for which the grant is received, as  
3           compared to the Employment Cost  
4           Index for the award year preceding  
5           the award year for which the grant is  
6           received.

7                   “(II)       EMPLOYMENT       COST  
8           INDEX.—In this subparagraph, the  
9           term ‘Employment Cost Index’, when  
10          used with respect to an award year,  
11          means the Employment Cost Index  
12          for total compensation for private in-  
13          dustry workers by bargaining status  
14          and census region and division (not  
15          seasonally adjusted) of the division in  
16          which the eligible entity is located, as  
17          provided by the Bureau of Labor Sta-  
18          tistics of the Department of Labor,  
19          that is provided for the December  
20          that immediately precedes the start of  
21          the award year.

22                   “(4) ACTUAL ENROLLMENT FIGURES.—

23                           “(A) IN GENERAL.—By not later than No-  
24                   vember 1 of the second award year for which an  
25                   eligible institution receives a grant under this

1 section, such eligible institution shall report to  
2 the Secretary its actual full-time equivalent eli-  
3 gible students figure for the preceding award  
4 year.

5 “(B) ADJUSTMENTS.—If the actual full-  
6 time equivalent eligible students figure for the  
7 preceding award year reported under subpara-  
8 graph (A)—

9 “(i) exceeds the projected enrollment  
10 that was used for determining the allot-  
11 ment under subparagraph (2)(B) for the  
12 preceding award year, notwithstanding any  
13 other provision of this Act, the allotment  
14 for the award year in which the November  
15 1 date falls for the eligible institution shall  
16 be increased to reflect such actual enroll-  
17 ment, which figure shall be increased by  
18 the Gross Domestic Product Price Index of  
19 the State in which the eligible institution  
20 operates; or

21 “(ii) is below the projected enrollment  
22 that was used for determining the allot-  
23 ment under subparagraph (2)(B) for the  
24 preceding award year, notwithstanding any  
25 other provision of this Act, the allotment

1           for the award year in which the November  
2           1 date falls for the eligible institution shall  
3           be decreased to reflect such actual enroll-  
4           ment, which figure shall be increased by  
5           the average interest rate on 5-year United  
6           States Treasury securities issued during  
7           the preceding award year.

8           “(c) APPLICATION.—An eligible institution that de-  
9           sires to receive a grant under this section shall submit to  
10          the Secretary an application at such time, in such manner,  
11          and containing such information as the Secretary may re-  
12          quire.

13          “(d) PROHIBITION.—An eligible institution that re-  
14          ceives a grant under this section may not use grant funds  
15          under this section—

16                 “(1) for the construction of a nonacademic fa-  
17                 cility, such as a student center or stadium;

18                 “(2) for merit-based or need-based student fi-  
19                 nancial aid;

20                 “(3) to pay the salaries or benefits of school ad-  
21                 ministrators;

22                 “(4) for capital outlays or deferred mainte-  
23                 nance; or

1           “(5) for expenditures on athletics other than  
2           activities open to all members of the campus com-  
3           munity.

4           “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
5           are authorized to be appropriated, and there are appro-  
6           priated, to carry out this section—

7           “(1) such sums as may be necessary for the  
8           fourth quarter of fiscal year 2021; and

9           “(2) such sums as may be necessary for each  
10          of the fiscal years 2022 through 2031.”.

## 11 **TITLE II—FEDERAL PELL GRANT** 12 **IMPROVEMENTS**

### 13 **SEC. 201. FEDERAL PELL GRANT IMPROVEMENTS.**

14          (a) MANDATORY FUNDING.—Section 401 of the  
15          Higher Education Act of 1965 (20 U.S.C. 1070a) is  
16          amended—

17                 (1) in subsection (a)(1), by striking “through  
18                 fiscal year 2017”;

19                 (2) in subsection (b)—

20                         (A) by striking paragraph (1);

21                         (B) by striking subparagraph (A) of para-  
22                         graph (2);

23                         (C) by redesignating subparagraph (B) of  
24                         paragraph (2) as paragraph (2);

1 (D) by inserting before paragraph (2) (as  
2 redesignated by subparagraph (C)) the fol-  
3 lowing:

4 “(1) AMOUNT.—The amount of the Federal Pell  
5 Grant for a student eligible under this subpart shall be—

6 “(A) the maximum Federal Pell Grant de-  
7 scribed in paragraph (7); less

8 “(B) the amount equal to the amount deter-  
9 mined to be the expected family contribution with  
10 respect to such student for such year.”;

11 (E) in paragraph (4), by striking “max-  
12 imum amount of a Federal Pell Grant award  
13 determined under paragraph (2)(A)” and in-  
14 sserting “maximum Federal Pell Grant described  
15 in paragraph (7)”;

16 (F) in paragraph (5), by striking “max-  
17 imum amount of a Federal Pell Grant award  
18 determined under paragraph (2)(A)” and in-  
19 sserting “maximum amount of a Federal Pell  
20 Grant award described in paragraph (7)”;

21 (G) by striking paragraph (7) and insert-  
22 ing the following:

23 “(7) MAXIMUM FEDERAL PELL GRANT.—



1           “(A) AWARD YEAR 2021–2022.—For award  
2 year 2021–2022, the maximum Federal Pell  
3 Grant shall be—

4           “(i) in the case of an eligible student  
5 who is in attendance at an institution of  
6 higher education described in section 101  
7 or a Tribal College or University described  
8 in section 316(b)(3), \$12,990; or

9           “(ii) in the case of an eligible student  
10 who is in attendance at an institution of  
11 higher education not described in clause  
12 (i), \$6,495.

13           “(B) SUBSEQUENT AWARD YEAR.—For  
14 award year 2022–2023, the maximum Federal  
15 Pell Grant shall be equal to the total maximum  
16 Federal Pell Grant for award year 2021–2022  
17 (applicable to the institution at which the eligi-  
18 ble student is in attendance) under this para-  
19 graph—

20           “(i) increased by the annual adjust-  
21 ment percentage for the award year for  
22 which the amount under this subparagraph  
23 is being determined; and

24           “(ii) rounded to the nearest \$5.

1           “(C) DEFINITION OF ANNUAL ADJUST-  
2           MENT PERCENTAGE.—In this paragraph, the  
3           term ‘annual adjustment percentage,’ as applied  
4           to an award year, is equal to the estimated per-  
5           centage increase in the Consumer Price Index  
6           (as determined by the Secretary, using the defi-  
7           nition in section 478(f)) for the most recent cal-  
8           endar year ending prior to the beginning of that  
9           award year.”; and

10           (H) in paragraph (8)(B), by striking “may  
11           exceed” and all that follows through the period  
12           and inserting “may exceed the maximum Fed-  
13           eral Pell Grant available for an award year.”;  
14           (3) in subsection (c)(5)—

15           (A) by striking “shall not exceed 12 semes-  
16           ters, or the equivalent of 12 semesters, as de-  
17           termined by the Secretary by regulation” and  
18           inserting “shall not exceed 7 years and 6  
19           months”; and

20           (B) by striking “only that same fraction of  
21           such semester or equivalent” and inserting  
22           “only that same fraction of such year”;

23           (4) in subsection (e), by striking “Any disburse-  
24           ment allowed to be made by crediting the student’s  
25           account shall be limited to tuition and fees and, in

1 the case of institutionally owned housing, room and  
2 board. The student may elect to have the institution  
3 provide other such goods and services by crediting  
4 the student's account." and inserting "Payments  
5 under this section may be used by the student for  
6 living and non-tuition expenses.";

7 (5) in subsection (f)—

8 (A) in paragraph (1), by striking the mat-  
9 ter preceding subparagraph (A) and inserting  
10 the following: "After receiving an application  
11 for a Federal Pell Grant under this subpart, the  
12 Secretary (including any contractor of the Sec-  
13 retary processing applications for Federal Pell  
14 Grants under this subpart) shall, in a timely  
15 manner, furnish to the student financial aid ad-  
16 ministrator at each institution of higher edu-  
17 cation that a student awarded a Federal Pell  
18 Grant under this subpart is attending, the ex-  
19 pected family contribution for each such stu-  
20 dent. Each such student financial administrator  
21 shall—"; and

22 (B) in paragraph (3)—

23 (i) by striking "after academic year  
24 1986–1987"; and

1 (ii) in paragraph (3), by striking “the  
2 Committee on Appropriations of the Sen-  
3 ate, the Committee on Appropriations of  
4 the House of Representatives, and”;

5 (6) by striking subsections (g) and (h);

6 (7) by redesignating subsections (i) and (j) as  
7 subsections (g) and (h), respectively; and

8 (8) by adding at the end the following:

9 “(k) APPROPRIATION OF FUNDS.—There are author-  
10 ized to be appropriated, and there are appropriated, out  
11 of any money in the Treasury not otherwise appropriated,  
12 such sums as may be necessary for fiscal year 2021 and  
13 each subsequent fiscal year to provide the maximum Fed-  
14 eral Pell Grant for which a student shall be eligible under  
15 this section during an award year.”.

16 (b) REPEAL OF SCORING REQUIREMENT.—Section  
17 406 of H. Con. Res. 95 (109th Congress) is amended—

18 (1) by striking subsection (b); and

19 (2) by striking “(a) IN GENERAL.—Upon” and  
20 inserting the following: “Upon”.

21 (c) AMENDMENT TO THE FAFSA SIMPLIFICATION  
22 ACT.—

23 (1) IN GENERAL.—Section 401 of the Higher  
24 Education Act of 1965, as amended by section 703

1 of the FAFSA Simplification Act (title VII of divi-  
2 sion FF of Public Law 116–260), is amended—

3 (A) in subsection (b), by striking para-  
4 graphs (5), (6), and (7) and inserting the fol-  
5 lowing:

6 “(5) MAXIMUM FEDERAL PELL GRANT.—

7 “(A) IN GENERAL.—For award year 2023–  
8 2024, and each subsequent award year, the  
9 total maximum Federal Pell Grant shall be  
10 equal to the total maximum Federal Pell Grant  
11 for the preceding award year (applicable to the  
12 institution at which the eligible student is in at-  
13 tendance)—

14 “(i) increased by the annual adjust-  
15 ment percentage for the award year for  
16 which the amount under this subparagraph  
17 is being determined; and

18 “(ii) rounded to the nearest \$5.

19 “(B) DEFINITION OF ANNUAL ADJUST-  
20 MENT PERCENTAGE.—In this paragraph, the  
21 term ‘annual adjustment percentage,’ as applied  
22 to an award year, is equal to the estimated per-  
23 centage increase in the Consumer Price Index  
24 (as determined by the Secretary, using the defi-  
25 nition in section 478(f)) for the most recent cal-

1           endar year ending prior to the beginning of that  
2           award year.

3           “(6) APPROPRIATION OF FUNDS.—There are  
4           authorized to be appropriated, and there are appro-  
5           priated, out of any money in the Treasury not other-  
6           wise appropriated, such sums as may be necessary  
7           for fiscal year 2023 and each subsequent fiscal year  
8           to provide the maximum Federal Pell Grant for  
9           which a student shall be eligible under this section  
10          during an award year.

11          “(7) NO EFFECT ON PREVIOUS APPROPRIA-  
12          TIONS.—The amendments made to this section by  
13          the FAFSA Simplification Act shall not—

14                 “(A) increase or decrease the amounts that  
15                 have been appropriated or are available to carry  
16                 out this section for fiscal year 2017, 2018,  
17                 2019, 2020, 2021, or 2022 as of the day before  
18                 the effective date of such Act; or

19                 “(B) extend the period of availability for  
20                 obligation that applied to any such amount, as  
21                 of the day before such effective date.”;

22                 (B) in subsection (d)(5)(A), by striking  
23                 “shall not exceed 12 semesters, or the equiva-  
24                 lent of 12 semesters, as determined by the Sec-

1           retary by regulation” and inserting “shall not  
2           exceed 7 years and 6 months”;

3           (C) in subsection (f), by striking “Any dis-  
4           bursement allowed to be made by crediting the  
5           student’s account shall be limited to tuition and  
6           fees, and food and housing if that food and  
7           housing is institutionally owned or operated.  
8           The student may elect to have the institution  
9           provide other such goods and services by cred-  
10          iting the student’s account.” and inserting  
11          “Payments under this section may be used by  
12          the student for living and non-tuition ex-  
13          penses.”;

14          (D) by striking subsections (g) and (h);  
15          and

16          (E) by redesignating subsections (i) and (j)  
17          as subsections (g) and (h), respectively.

18          (2) EFFECTIVE DATE.—The amendments made  
19          by paragraph (1) shall take effect as if included in  
20          section 703 of the FAFSA Simplification Act (title  
21          VII of division FF of Public Law 116–260) and sub-  
22          ject to the effective date of section 701(b) of such  
23          Act.

24          (d) FEDERAL PELL GRANT ELIGIBILITY FOR  
25          DREAMER STUDENTS.—

1           (1) IN GENERAL.—Section 484 of the Higher  
2 Education Act of 1965 (20 U.S.C. 1091) is amend-  
3 ed—

4           (A) in subsection (a)(5), by inserting “, or  
5 be a Dreamer student, as defined in subsection  
6 (u)” after “becoming a citizen or permanent  
7 resident”; and

8           (B) by adding at the end the following:

9           “(u) DREAMER STUDENTS.—

10           “(1) IN GENERAL.—In this section, the term  
11 ‘Dreamer student’ means an individual who—

12           “(A) was younger than 16 years of age on  
13 the date on which the individual initially en-  
14 tered the United States;

15           “(B) has provided a list of each secondary  
16 school that the student attended in the United  
17 States; and

18           “(C)(i) has earned a high school diploma,  
19 the recognized equivalent of such diploma from  
20 a secondary school, or a high school equivalency  
21 diploma in the United States or is scheduled to  
22 complete the requirements for such a diploma  
23 or equivalent before the next academic year be-  
24 gins;



1           “(ii) has acquired a degree from an institu-  
2           tion of higher education or has completed not  
3           less than 2 years in a program for a bacca-  
4           laureate degree or higher degree at an institu-  
5           tion of higher education in the United States  
6           and has made satisfactory academic progress,  
7           as defined in subsection (c), during such time  
8           period;

9           “(iii) at any time was eligible for a grant  
10          of deferred action under—

11           “(I) the June 15, 2012, memorandum  
12          from the Secretary of Homeland Security  
13          entitled ‘Exercising Prosecutorial Discre-  
14          tion with Respect to Individuals Who  
15          Came to the United States as Children’; or

16           “(II) the November 20, 2014, memo-  
17          randum from the Secretary of Homeland  
18          Security entitled ‘Exercising Prosecutorial  
19          Discretion with Respect to Individuals  
20          Who Came to the United States as Chil-  
21          dren and with Respect to Certain Individ-  
22          uals Who Are the Parents of U.S. Citizens  
23          or Permanent Residents’; or

24           “(iv) has served in the uniformed services,  
25          as defined in section 101 of title 10, United

1 States Code, for not less than 4 years and, if  
2 discharged, received an honorable discharge.

3 “(2) HARDSHIP EXCEPTION.—The Secretary  
4 shall issue regulations that direct when the Depart-  
5 ment shall waive the requirement of subparagraph  
6 (A) or (B), or both, of paragraph (1) for an indi-  
7 vidual to qualify as a Dreamer student under such  
8 paragraph, if the individual—

9 “(A) demonstrates compelling cir-  
10 cumstances for the inability to satisfy the re-  
11 quirement of such subparagraph (A) or (B), or  
12 both; and

13 “(B) satisfies the requirement of para-  
14 graph (1)(C).”.

15 (2) AMENDMENT TO THE FAFSA SIMPLIFICA-  
16 TION ACT.—

17 (A) IN GENERAL.—Section 484 of the  
18 Higher Education Act of 1965, as amended by  
19 section 702(n)(1)(A) of the FAFSA Simplifica-  
20 tion Act (title VII of division FF of Public Law  
21 116–260), is amended by adding at the end the  
22 following:

23 “(u) DREAMER STUDENTS.—

24 “(1) IN GENERAL.—In this section, the term  
25 ‘Dreamer student’ means an individual who—

1           “(A) was younger than 16 years of age on  
2           the date on which the individual initially en-  
3           tered the United States;

4           “(B) has provided a list of each secondary  
5           school that the student attended in the United  
6           States; and

7           “(C)(i) has earned a high school diploma,  
8           the recognized equivalent of such diploma from  
9           a secondary school, or a high school equivalency  
10          diploma in the United States or is scheduled to  
11          complete the requirements for such a diploma  
12          or equivalent before the next academic year be-  
13          gins;

14          “(ii) has acquired a degree from an institu-  
15          tion of higher education or has completed not  
16          less than 2 years in a program for a bacca-  
17          laureate degree or higher degree at an institu-  
18          tion of higher education in the United States  
19          and has made satisfactory academic progress,  
20          as defined in subsection (e), during such time  
21          period;

22          “(iii) at any time was eligible for a grant  
23          of deferred action under—

24                  “(I) the June 15, 2012, memorandum  
25                  from the Secretary of Homeland Security

1           entitled ‘Exercising Prosecutorial Discre-  
2           tion with Respect to Individuals Who  
3           Came to the United States as Children’; or

4           “(II) the November 20, 2014, memo-  
5           randum from the Secretary of Homeland  
6           Security entitled ‘Exercising Prosecutorial  
7           Discretion with Respect to Individuals  
8           Who Came to the United States as Chil-  
9           dren and with Respect to Certain Individ-  
10          uals Who Are the Parents of U.S. Citizens  
11          or Permanent Residents’; or

12          “(iv) has served in the uniformed services,  
13          as defined in section 101 of title 10, United  
14          States Code, for not less than 4 years and, if  
15          discharged, received an honorable discharge.

16          “(2) HARDSHIP EXCEPTION.—The Secretary  
17          shall issue regulations that direct when the Depart-  
18          ment shall waive the requirement of subparagraph  
19          (A) or (B), or both, of paragraph (1) for an indi-  
20          vidual to qualify as a Dreamer student under such  
21          paragraph, if the individual—

22                  “(A) demonstrates compelling cir-  
23                  cumstances for the inability to satisfy the re-  
24                  quirement of such subparagraph (A) or (B), or  
25                  both; and

1           “(B) satisfies the requirement of para-  
2 graph (1)(C).”.

3           (B) EFFECTIVE DATE.—The amendment  
4 made by subparagraph (A) shall take effect as  
5 if included in section 702(n)(1)(A) of the  
6 FAFSA Simplification Act (title VII of division  
7 FF of Public Law 116–260) and subject to the  
8 effective date of section 701(b) of such Act.

9           (e) FULL EXCLUSION FROM GROSS INCOME FOR  
10 PELL GRANTS.—

11           (1) IN GENERAL.—Section 117(b) of the Inter-  
12 nal Revenue Code of 1986 is amended by adding at  
13 the end the following new paragraph:

14           “(3) SPECIAL RULE FOR PELL GRANTS.—  
15 Amounts received under a Federal Pell Grant under  
16 subpart 1 of part A of title IV of the Higher Edu-  
17 cation Act of 1965 (20 U.S.C. 1070a et seq.) shall  
18 be treated as an amount received as a qualified  
19 scholarship notwithstanding whether such amount  
20 was used for qualified tuition and related expenses.”.

21           (2) EFFECTIVE DATE.—The amendment made  
22 by this subsection shall apply to amounts received in  
23 taxable years beginning after the date of the enact-  
24 ment of this Act.

1           **TITLE III—EQUITY GRANTS**

2   **SEC. 301. PELL BONUS.**

3           Title III of the Higher Education Act of 1965 (20  
4 U.S.C. 1051a et seq.) is amended by adding at the end  
5 the following:

6                           **“PART H—EQUITY GRANTS**

7   **“SEC. 399A. EQUITY GRANTS.**

8           “(a) IN GENERAL.—The Secretary shall award  
9 grants to eligible institutions to enable the eligible institu-  
10 tions to invest in support programs with the goal of im-  
11 proving student outcomes.

12           “(b) ELIGIBLE INSTITUTIONS.—In this section:

13                   “(1) IN GENERAL.—The term ‘eligible institu-  
14 tion’ means—

15                           “(A) an under-funded institution; or

16                           “(B) a—

17                                   “(i) part B institution (as defined in  
18 section 322);

19                                   “(ii) Hispanic-serving institution (as  
20 defined in section 502);

21                                   “(iii) Tribal College or University (as  
22 defined in section 316);

23                                   “(iv) Alaska Native-serving institution  
24 (as defined in section 317(b));

1                   “(v) Native Hawaiian-serving institu-  
2                   tion (as defined in section 317(b));

3                   “(vi) Predominantly Black Institution  
4                   (as defined in section 318);

5                   “(vii) Asian American and Native  
6                   American Pacific Islander-serving institu-  
7                   tion (as defined in section 320(b)); or

8                   “(viii) Native American-serving, non-  
9                   tribal institution (as defined in section  
10                  319).

11                  “(2) UNDER-FUNDED INSTITUTION.—The term  
12                  ‘under-funded institution’ means a public 2-year in-  
13                  stitution of higher education or public 4-year institu-  
14                  tion of higher education that receives less than the  
15                  national average State appropriations per full-time  
16                  equivalent students.

17                  “(c) APPLICATIONS.—An eligible institution that de-  
18                  sires to receive a grant under this section shall submit an  
19                  application to the Secretary at such time, in such manner,  
20                  and accompanied by such information as the Secretary  
21                  may require, including, if the eligible institution is an  
22                  under-funded institution—

23                  “(1) an assurance that the State in which the  
24                  institution is located will provide a non-Federal  
25                  share of funds for an award year from non-Federal

1 sources in an amount that is equal to 25 percent of  
2 the amount required to carry out the activities de-  
3 scribed in this section; and

4 “(2) a description of how the State in which the  
5 institution is located will prioritize spending for  
6 under-funded institutions in the State and close gaps  
7 in State appropriations per full-time equivalent stu-  
8 dents in institutions in the State described in sub-  
9 section (b)(1)(B).

10 “(d) GRANT AMOUNTS.—The Secretary shall award  
11 a grant under this section to an eligible institution in an  
12 amount based on the number of students enrolled at the  
13 institution who receive a Federal Pell Grant.

14 “(e) USE OF GRANT FUNDS.—An eligible institution  
15 that receives a grant under this section shall use the grant  
16 funds exclusively to invest in support programs with the  
17 goal of improving student outcomes such as attendance,  
18 grades, and graduation rates, including through—

19 “(1) making investments in reforming remedial  
20 education;

21 “(2) making investments in academic advisors,  
22 mental health counselors, trauma-informed care, and  
23 tutors; and

24 “(3) reducing class sizes.



1       “(f) GOALS.—The Secretary shall set goals on stu-  
2   dent outcomes for eligible institutions that receive grants  
3   under this section.

4       “(g) PROGRESS.—The Secretary shall track progress  
5   in improving student outcomes for eligible institutions that  
6   receive grants under this section, including conducting  
7   independent evaluations of support programs funded  
8   under this section.

9       “(h) SUPPLEMENT, NO SUPPLANT.—An eligible in-  
10   stitution that receives a grant under this section shall use  
11   the grant funds to supplement, and not supplant, any non-  
12   Federal funds available to improve student outcomes.

13       “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
14   are authorized to be appropriated to carry out this sec-  
15   tion—

16           “(1) such sums as may be necessary for the  
17       fourth quarter of fiscal year 2021;

18           “(2) \$10,000,000,000 for fiscal year 2022; and

19           “(3) such sums as may be necessary for each  
20       of the following fiscal years.”.

1                   **TITLE IV—INCREASING**  
 2                   **SUPPORT FOR STUDENTS**

3   **SEC. 401. INCREASING SUCCESS FOR LOW-INCOME AND**  
 4                   **FIRST GENERATION STUDENTS.**

5           (a) AUTHORIZATION OF APPROPRIATIONS FOR FED-  
 6 ERAL TRIO PROGRAMS.—Section 402A(g) of the Higher  
 7 Education Act of 1965 (20 U.S.C. 1070a–11(g)) is  
 8 amended by inserting after the first sentence the fol-  
 9 lowing: “For the purpose of making grants and contracts  
 10 under this chapter, there are authorized to be appro-  
 11 priated \$3,000,000,000 for fiscal year 2022, and such  
 12 sums as may be necessary for each of fiscal years 2023  
 13 through 2031.”.

14          (b) AUTHORIZATION OF APPROPRIATIONS FOR  
 15 GEAR UP PROGRAMS.—Section 404H of the Higher  
 16 Education Act of 1965 (20 U.S.C. 1070a–28) is amended  
 17 by striking “\$400,000,000” and all that follows through  
 18 the period and inserting “\$736,000,000 for fiscal year  
 19 2022, and such sums as may be necessary for each of fis-  
 20 cal years 2023 through 2025.”.

21                   **TITLE V—SNYDER ACT**

22   **SEC. 501. RULE OF CONSTRUCTION REGARDING THE SNY-**  
 23                   **DER ACT.**

24           Nothing in this Act, or an amendment made by this  
 25 Act, shall be construed to change or abrogate the Federal

1 Government's responsibilities under the Act of November  
2 2, 1921 (commonly known as the "Snyder Act") (25  
3 U.S.C. 13).

○