

117TH CONGRESS  
2D SESSION

# S. 3616

To amend the Higher Education Act of 1965 to improve the financial aid process for homeless and foster care youth.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2022

Mrs. MURRAY (for herself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Higher Education Act of 1965 to improve the financial aid process for homeless and foster care youth.

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 “Higher Education Ac-  
5       cess and Success for Homeless and Foster Youth Act of  
6       2022”.

7       **SEC. 2. DEFINITIONS.**

8       (a) HOMELESS AND FOSTER YOUTH.—Section 103  
9       of the Higher Education Act of 1965 (20 U.S.C. 1003)  
10      is amended—

1           (1) by redesignating paragraph (10), para-  
2           graphs (11) through (22), and paragraphs (23)  
3           through (24), as paragraph (11), paragraphs (13)  
4           through (25), and paragraphs (26) through (27), re-  
5           spectively;

6           (2) by inserting after paragraph (9) the fol-  
7           lowing:

8           “(10) FOSTER CARE YOUTH.—The term ‘foster  
9           care youth’—

10           “(A) means children and youth whose care  
11           and placement are the responsibility of the  
12           State or Tribal agency that administers a State  
13           or Tribal plan under part B or E of title IV of  
14           the Social Security Act (42 U.S.C. 621 et seq.  
15           and 670 et seq.), without regard to whether fos-  
16           ter care maintenance payments are made under  
17           section 472 of such Act (42 U.S.C. 672) on be-  
18           half of such children and youth; and

19           “(B) includes individuals who were age 13  
20           or older when their care and placement were  
21           the responsibility of a State or Tribal agency  
22           that administered a State or Tribal plan under  
23           part B or E of title IV of the Social Security  
24           Act (42 U.S.C. 621 et seq. and 670 et seq.)  
25           and who are no longer under the care and re-

1           sponsibility of such a State or Tribal agency,  
2           without regard to any such individual’s subse-  
3           quent adoption, guardianship arrangement, or  
4           other form of permanency outcome.”;

5           (3) by inserting after paragraph (11), as redes-  
6           ignated by paragraph (1), the following:

7           “(12) HOMELESS YOUTH.—The term ‘homeless  
8           youth’ has the meaning given the term ‘homeless  
9           children and youths’ in section 725 of the McKin-  
10          ney-Vento Homeless Assistance Act (42 U.S.C.  
11          11434a).”; and

12          (4) by inserting after paragraph (24), as redes-  
13          ignated by paragraph (1), the following:

14          “(25) UNACCOMPANIED.—The terms ‘unaccom-  
15          panied’ and ‘unaccompanied youth’ have the mean-  
16          ing given the term ‘unaccompanied youth’ in section  
17          725 of the McKinney-Vento Homeless Assistance  
18          Act (42 U.S.C. 11434a).”.

19          (b) TECHNICAL CORRECTION.—Section 480 of the  
20          Higher Education Act of 1965, as amended by section  
21          702(l)(2) of the FAFSA Simplification Act (title VII of  
22          division FF of Public Law 116–260), is amended by strik-  
23          ing subsections (m) and (n).

1 **SEC. 3. TECHNICAL CORRECTIONS TO FAFSA SIMPLIFICA-**  
 2 **TION ACT.**

3 Section 479D of the Higher Education Act of 1965,  
 4 as in effect on the effective date of the FAFSA Simplifica-  
 5 tion Act (title VII of division FF of Public Law 116–260),  
 6 is amended—

7 (1) in subsection (a)(1)(D), by inserting “the  
 8 same or” before “a prior award”;

9 (2) in subsection (b)(5), by inserting “the same  
 10 or” before “a prior award”; and

11 (3) in subsection (d)(2)—

12 (A) by inserting “this section, or para-  
 13 graph (2), (8), or (9) of section 480(d),” after  
 14 “pursuant to section 479A(c),”; and

15 (B) by striking “under such paragraph in  
 16 the same award year” and inserting “under  
 17 such provisions in the same or a prior award  
 18 year”.

19 **SEC. 4. STUDENT LOAN OMBUDSMAN ASSISTANCE FOR**  
 20 **HOMELESS AND FOSTER YOUTH.**

21 Section 141(f)(3) of the Higher Education Act of  
 22 1965 (20 U.S.C. 1018(f)(3)) is amended—

23 (1) in subparagraph (A), by striking “and”  
 24 after the semicolon;

25 (2) in subparagraph (B), by striking the period  
 26 at the end and inserting “; and”; and

1 (3) by adding at the end the following:

2 “(C) receive, review, and resolve expedi-  
 3 tiously complaints regarding a student’s inde-  
 4 pendence under paragraph (2) or (8) of section  
 5 480(d), in consultation with knowledgeable par-  
 6 ties, including child welfare agencies, local edu-  
 7 cational agency liaisons for homeless youth des-  
 8 ignated under section 722(g)(1)(J)(ii) of the  
 9 McKinney-Vento Homeless Assistance Act (42  
 10 U.S.C. 11432(g)(1)(J)(ii)), or State Coordina-  
 11 tors for Education of Homeless Children and  
 12 Youth established in accordance with section  
 13 722 of such Act (42 U.S.C. 11432).”.

14 **SEC. 5. LIAISONS AND ACCESS TO HOUSING FOR HOME-**  
 15 **LESS AND FOSTER YOUTH.**

16 (a) ACCESS TO HOUSING.—Section 487(a)(19) of the  
 17 Higher Education Act of 1965 (20 U.S.C. 1094(a)(19))  
 18 is amended—

19 (1) by striking “The institution will not” and  
 20 inserting the following: “The institution—

21 “(A) will not”;

22 (2) by inserting “housing facilities,” after “li-  
 23 braries,”;

24 (3) by striking “institution.” and inserting “in-  
 25 stitution; and”; and

1 (4) by adding at the end the following:

2 “(B) will provide a means for students to  
 3 access institutionally owned or operated housing  
 4 if a student is temporarily unable to meet fi-  
 5 nancial obligations related to housing, including  
 6 deposits, due to delayed disbursement of vouch-  
 7 ers for education and training made available  
 8 under section 477 of part E of title IV of the  
 9 Social Security Act (42 U.S.C. 677) or delays  
 10 attributable to the institution.”.

11 (b) LIAISONS.—Section 485 of the Higher Education  
 12 Act of 1965 (20 U.S.C. 1092) is amended by adding at  
 13 the end the following:

14 “(n) LIAISONS AND ACCESS TO HOUSING FOR HOME-  
 15 LESS AND FOSTER YOUTH.—Each institution of higher  
 16 education participating in any program under this title  
 17 shall—

18 “(1) have designated an appropriate staff per-  
 19 son with sufficient capacity and training to act as a  
 20 liaison to assist homeless youth, students who are  
 21 unaccompanied, at risk of homelessness, and self-  
 22 supporting, and foster care youth in accessing and  
 23 completing postsecondary education, including by en-  
 24 suring that those individuals are connected to appli-  
 25 cable and available student support services, pro-

grams, and community resources such as financial aid, academic advising, housing, food, public benefits, health care, health insurance, mental health care, child care, transportation benefits, and mentoring;

“(2) post on the institution’s website—

“(A) the contact information for the liaison designated under paragraph (1);

“(B) information on the process for providing documentation for a determination of independence under section 479D; and

“(C) information about student financial assistance and other assistance available to homeless youth, students who are unaccompanied, at risk of homelessness, and self-supporting, and foster care youth, including their eligibility as independent students under paragraphs (2) or (8) of sections 480(d);

“(3) give priority for any institutionally owned or operated housing facilities, including student housing facilities that remain open for occupation during school breaks or on a year-round basis, to—

“(A) homeless youth;

“(B) youth who are unaccompanied, at risk of homelessness, and self-supporting; and

1 “(C) foster care youth;

2 “(4) have developed a plan for how such home-  
3 less youth, youth who are unaccompanied, at risk of  
4 homelessness, and self-supporting, and foster care  
5 youth can access housing resources during and be-  
6 tween academic terms, through means that may in-  
7 clude access to institutionally owned or operated  
8 housing during breaks and a list of housing re-  
9 sources in the community that provide short-term  
10 housing; and

11 “(5) include, in its application for admission,  
12 questions (to be answered voluntarily) regarding the  
13 applicant’s status as a homeless youth (including un-  
14 accompanied homeless youth), youth who is unac-  
15 companied, at risk of homelessness, and self-sup-  
16 porting, or foster care youth, that—

17 “(A) can be answered by the applicant vol-  
18 untarily for the limited purpose of being pro-  
19 vided information about financial aid or any  
20 other available assistance;

21 “(B) explain the key terms in the question  
22 in a manner that applicants can understand in  
23 order to self-identify with such status; and

24 “(C) with consent of the applicant, may be  
25 shared with the liaison after admission but

1 prior to the beginning of the next academic  
2 term.”.

3 **SEC. 6. SERVING HOMELESS AND FOSTER YOUTH IN FED-**  
4 **ERAL TRIO PROGRAMS.**

5 Section 402A of the Higher Education Act of 1965  
6 (20 U.S.C. 1070a–11) is amended—

7 (1) in subsection (c)(6), by striking the last  
8 sentence and inserting the following: “The Secretary  
9 shall require each applicant for funds under the pro-  
10 grams authorized by this chapter to identify and  
11 conduct outreach to homeless youth and foster care  
12 youth, and make available to homeless youth and  
13 foster care youth services under such programs, in-  
14 cluding mentoring, tutoring, and other services pro-  
15 vided by such programs.”; and

16 (2) in subsection (f)(2), by striking “college  
17 students, and” and inserting “college students,  
18 homeless youth, foster care youth, and”.

19 **SEC. 7. SERVING HOMELESS AND FOSTER YOUTH IN TAL-**  
20 **ENT SEARCH.**

21 Section 402B(d) of the Higher Education Act of  
22 1965 (20 U.S.C. 1070a–12(d)) is amended—

23 (1) in paragraph (3), by striking “and” after  
24 the semicolon;

1 (2) in paragraph (4), by striking the period at  
2 the end and inserting a semicolon; and

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

4 “(5) require an assurance that the entity car-  
5 rying out the project has reviewed and revised poli-  
6 cies and practices as needed to remove barriers to  
7 the participation and retention in the project of  
8 homeless youth and foster care youth;

9 “(6) require that such entity submit, as part of  
10 the application for the project, a description of the  
11 activities that will be undertaken to reach out to  
12 such homeless youth and foster care youth as part  
13 of the project; and

14 “(7) require an assurance that such entity will  
15 prepare and submit the report required under sec-  
16 tion 402H(e) at the conclusion of the project regard-  
17 ing such homeless youth and foster care youth.”.

18 **SEC. 8. SERVING HOMELESS AND FOSTER YOUTH IN UP-**  
19 **WARD BOUND.**

20 Section 402C(e) of the Higher Education Act of 1965  
21 (20 U.S.C. 1070a–13(e)) is amended—

22 (1) in paragraph (4), by striking “and” after  
23 the semicolon;

24 (2) in paragraph (5), by striking the period at  
25 the end and inserting a semicolon; and

1 (3) by adding at the end the following:

2 “(6) require an assurance that the entity car-  
 3 rying out the project has reviewed and revised poli-  
 4 cies and practices as needed to remove barriers to  
 5 the participation and retention in the project of  
 6 homeless youth and foster care youth;

7 “(7) require that such entity submit, as part of  
 8 the application, a description of the activities that  
 9 will be undertaken to reach out to such homeless  
 10 youth and foster care youth regarding the project;  
 11 and

12 “(8) require an assurance that such entity will  
 13 prepare and submit the report required under sec-  
 14 tion 402H(e) at the conclusion of the project regard-  
 15 ing such homeless youth and foster care youth.”.

16 **SEC. 9. SERVING HOMELESS AND FOSTER YOUTH IN STU-**  
 17 **DENT SUPPORT SERVICES.**

18 Section 402D(e) of the Higher Education Act of  
 19 1965 (20 U.S.C. 1070a–14(e)) is amended—

20 (1) in paragraph (5), by striking “and” after  
 21 the semicolon;

22 (2) in paragraph (6)(B), by striking the period  
 23 at the end and inserting a semicolon; and

24 (3) by adding at the end the following:

1 “(7) require an assurance that the entity car-  
 2 rying out the project has reviewed and revised poli-  
 3 cies and practices as needed to remove barriers to  
 4 the participation and retention in the project of  
 5 homeless youth and foster care youth;

6 “(8) require that such entity submit, in the ap-  
 7 plication for the project, a description of the activi-  
 8 ties that will be undertaken to reach out to such  
 9 homeless youth and foster care youth, who are en-  
 10 rolled or accepted for enrollment at the institution;  
 11 and

12 “(9) require an assurance that such entity will  
 13 prepare and submit the report required under sec-  
 14 tion 402H(e) at the conclusion of the project regard-  
 15 ing such homeless youth and foster care youth.”.

16 **SEC. 10. SERVING HOMELESS AND FOSTER YOUTH IN EDU-**  
 17 **CATIONAL OPPORTUNITY CENTERS.**

18 Section 402F(c) of the Higher Education Act of 1965  
 19 (20 U.S.C. 1070a–16(c)) is amended—

20 (1) in paragraph (2), by striking “and” after  
 21 the semicolon;

22 (2) in paragraph (3), by striking the period at  
 23 the end and inserting a semicolon; and

24 (3) by adding at the end the following:

1           “(4) require an assurance that the entity car-  
 2           rying out the project has reviewed and revised poli-  
 3           cies and practices as needed to remove barriers to  
 4           the participation and retention in the project of  
 5           homeless youth and foster care youth;

6           “(5) require that such entity submit, as part of  
 7           the application, a description of the activities that  
 8           will be undertaken to reach out to such homeless  
 9           youth and foster care youth regarding the project;  
 10          and

11          “(6) require an assurance that such entity will  
 12          prepare and submit the report required under sec-  
 13          tion 402H(e) at the conclusion of the project regard-  
 14          ing such homeless youth and foster care youth.”.

15 **SEC. 11. REPORTS AND EVALUATIONS.**

16          Section 402H of the Higher Education Act of 1965  
 17          (20 U.S.C. 1070a–18) is amended by adding at the end  
 18          the following:

19          “(e) REPORT REGARDING HOMELESS AND FOSTER  
 20          YOUTH.—Each entity carrying out a project under section  
 21          402B, 402C, 402D, or 402F shall, at the conclusion of  
 22          the project, prepare and submit a report to the Secretary  
 23          that includes—

24                 “(1) data on the number of homeless youth and  
 25                 foster care youth served through the project; and

1           “(2) a description of any strategies or program  
2           enhancements that were used in the project and that  
3           were effective in meeting the needs of such homeless  
4           youth and foster care youth.”.

5   **SEC. 12. SERVING HOMELESS AND FOSTER YOUTH IN GAIN-**  
6                           **ING EARLY AWARENESS AND READINESS FOR**  
7                           **UNDERGRADUATE PROGRAMS.**

8           (a) APPLICATIONS.—Section 404C(a)(2) of the High-  
9   er Education Act of 1965 (20 U.S.C. 1070a–23(a)(2)) is  
10 amended—

11           (1) in subparagraph (I), by striking “and” after  
12   the semicolon;

13           (2) in subparagraph (J), by striking the period  
14   at the end and inserting “; and”; and

15           (3) by adding at the end the following:

16                   “(K) require an assurance that the entity  
17           carrying out the project has reviewed and re-  
18           vised policies and practices as needed to remove  
19           barriers to the participation and retention in  
20           the project of homeless youth and foster care  
21           youth;

22                   “(L) require that such entity submit, as  
23           part of the assurance, a description of the ac-  
24           tivities that will be undertaken to reach out to

1 such homeless youth and foster care youth re-  
2 garding the project; and

3 “(M) require an assurance that such entity  
4 will prepare and submit the report required  
5 under section 404G(c) at the conclusion of the  
6 project regarding such homeless youth and fos-  
7 ter care youth.”.

8 (b) PERMISSIBLE ACTIVITIES.—Section 404D(b) of  
9 the Higher Education Act of 1965 (20 U.S.C. 1070a–  
10 24(b)) is amended by adding at the end the following:

11 “(16) Facilitating the recruitment, participa-  
12 tion, and retention of homeless youth and foster care  
13 youth, which may include—

14 “(A) establishing partnerships with com-  
15 munity-based organizations, child welfare agen-  
16 cies, homeless shelters, and local educational  
17 agency liaisons for homeless individuals des-  
18 ignated under section 722(g)(1)(J)(ii) of the  
19 McKinney-Vento Homeless Assistance Act (42  
20 U.S.C. 11432(g)(1)(J)(ii)) to identify students,  
21 improve policies and practices, and to establish  
22 data sharing agreements;

23 “(B) carrying out—

24 “(i) activities to facilitate continued  
25 participation despite changes in residence

1 resulting from homelessness or foster care  
 2 placement; and

3 “(ii) policies consistent with the  
 4 McKinney-Vento Homeless Assistance Act  
 5 (42 U.S.C. 11301 et seq.) to allow for such  
 6 participation and retention, including al-  
 7 lowing continued participation when an eli-  
 8 gible student is no longer enrolled in a  
 9 school served under this chapter on a tem-  
 10 porary basis, or providing transitional serv-  
 11 ices and referrals when an eligible student  
 12 is no longer enrolled in a school served  
 13 under this chapter on a permanent basis;  
 14 and

15 “(C) carrying out other activities to meet  
 16 the needs of such homeless youth and foster  
 17 care youth.”.

18 (c) EVALUATION AND REPORT.—Section 404G of the  
 19 Higher Education Act of 1965 (20 U.S.C. 1070a–27) is  
 20 amended—

21 (1) by redesignating subsections (c) and (d), as  
 22 subsections (d) and (e), respectively; and

23 (2) inserting after subsection (b) the following:

24 “(c) REPORT REGARDING HOMELESS AND FOSTER  
 25 YOUTH.—Each entity carrying out a project under section

1 404A shall, at the conclusion of the project, prepare and  
 2 submit a report to the Secretary that includes—

3 “(1) data on the number of homeless youth and  
 4 foster care youth served through the project; and

5 “(2) a description of any strategies or program  
 6 enhancements that were used in the project and that  
 7 were effective in meeting the needs of such homeless  
 8 youth and foster care youth.”.

9 **SEC. 13. PRIORITY FOR FEDERAL WORK-STUDY PROGRAMS**  
 10 **FOR HOMELESS AND FOSTER YOUTH.**

11 Section 443(b)(6) of the Higher Education Act of  
 12 1965 (20 U.S.C. 1087–53(b)(6)) is amended by inserting  
 13 “, and prioritize employment for students who are home-  
 14 less youth or foster care youth” after “thereof”.

15 **SEC. 14. DATA TRANSPARENCY ON THE NUMBER OF PEND-**  
 16 **ING REQUESTS FOR DETERMINATION BY**  
 17 **HOMELESS YOUTH.**

18 Section 483(c)(2)(B) is amended—

19 (1) in clause (i), by striking “and” after the  
 20 semicolon;

21 (2) in clause (ii), by striking the period at the  
 22 end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(iii) the number of undetermined re-  
 25 quests for homelessness consideration, in-

1 cluding statuses that remain unknown be-  
 2 cause no determination had been made in  
 3 response to the applicant’s request for the  
 4 institution to consider the applicant’s spe-  
 5 cial circumstance of being homeless.”.

6 **SEC. 15. IN-STATE TUITION RATES FOR HOMELESS AND**  
 7 **FOSTER YOUTH.**

8 Section 135 of the Higher Education Act of 1965 (20  
 9 U.S.C. 1015d) is amended—

10 (1) in the section heading, by inserting “,  
 11 **HOMELESS YOUTH AND FOSTER CARE YOUTH**”  
 12 after “**CHILDREN**”;

13 (2) in subsection (a)—

14 (A) by striking “(a) REQUIREMENT.—In  
 15 the case” and inserting the following:

16 “(a) REQUIREMENT.—

17 “(1) ARMED FORCES.—In the case”; and

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

19 “(2) HOMELESS AND FOSTER YOUTH.—In the  
 20 case of a homeless youth or a foster care youth, such  
 21 State shall not charge such individual tuition and re-  
 22 quired fees for attendance at a public institution of  
 23 higher education in the State at a rate that is great-  
 24 er than the rate of tuition and required fees charged  
 25 for residents of the State.”; and

1           (3) by striking subsections (c) and (d) and in-  
2       serting the following:

3       “(c) EFFECTIVE DATE.—

4           “(1) ARMED FORCES.—With respect to an indi-  
5       vidual described in subsection (a)(1), this section  
6       shall take effect at each public institution of higher  
7       education in a State that receives assistance under  
8       this Act for the first period of enrollment at such in-  
9       stitution that begins after July 1, 2009.

10       “(2) HOMELESS AND FOSTER YOUTH.—With  
11       respect to an individual described in subsection  
12       (a)(2), this section shall take effect at each public  
13       institution of higher education in a State that re-  
14       ceives assistance under this Act for the first period  
15       of enrollment at such institution that begins during  
16       the first full award year following the effective date  
17       of the Higher Education Access and Success for  
18       Homeless and Foster Youth Act of 2022.

19       “(d) DEFINITIONS.—In this section, the terms  
20       ‘armed forces’ and ‘active duty for a period of more than  
21       30 days’ have the meanings given those terms in section  
22       101 of title 10, United States Code.”.

1 **SEC. 16. SECRETARIAL SUPPORT AND GUIDANCE FOR**  
2 **HOMELESS AND FOSTER YOUTH.**

3 Part B of title I (20 U.S.C. 1011 et seq.) is amended  
4 by adding at the end the following:

5 **“SEC. 124. SECRETARIAL SUPPORT AND GUIDANCE FOR**  
6 **HOMELESS AND FOSTER YOUTH.**

7 “(a) GUIDANCE.—Not later than 120 days after the  
8 date of enactment of the Higher Education Access and  
9 Success for Homeless and Foster Youth Act of 2022, the  
10 Secretary shall issue revised guidance for institutions and  
11 financial aid administrators regarding serving homeless  
12 youth (including unaccompanied homeless youth), stu-  
13 dents who are unaccompanied, at risk of homelessness,  
14 and self-supporting, and foster care youth, including the  
15 requirements of the determination process for financial aid  
16 administrators as specified in section 479D.

17 “(b) PROFESSIONAL DEVELOPMENT.—Beginning not  
18 later than 1 year after the date of enactment of the Higher  
19 Education Access and Success for Homeless and Foster  
20 Youth Act of 2022, the Secretary shall conduct an annual  
21 professional development or training program, such as a  
22 webinar, for liaisons described under section 485(n) and  
23 interested faculty or staff regarding postsecondary edu-  
24 cation services for such homeless youth (including unac-  
25 companied homeless youth), students who are unaccom-

1 panied, at risk of homelessness, and self-supporting, and  
 2 foster care youth.

3 “(c) REPORT.—Not later than 1 year after the date  
 4 of enactment of the Higher Education Access and Success  
 5 for Homeless and Foster Youth Act of 2022, and not less  
 6 than once every 5 years thereafter, the Secretary shall pre-  
 7 pare and submit to Congress a report containing strate-  
 8 gies used by institutions, financial aid administrators, and  
 9 liaisons described under section 485(n) that were effective  
 10 in meeting the needs of such homeless youth (including  
 11 unaccompanied homeless youth), students who are unac-  
 12 companied, at risk of homelessness, and self-supporting,  
 13 and foster care youth, including strategies relating to  
 14 streamlining financial aid policies and procedures and  
 15 postsecondary education recruitment, retention, and com-  
 16 pletion.”.

17 **SEC. 17. EFFECTIVE DATE.**

18 The amendments made by this Act shall take effect  
 19 and apply as if included in the FAFSA Simplification Act  
 20 (title VII of division FF of Public Law 116–260) and in  
 21 accordance with section 701(b) of such Act.

○