

116TH CONGRESS
1ST SESSION

S. 2250

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

IN THE SENATE OF THE UNITED STATES

JULY 24, 2019

Ms. BALDWIN (for herself, Mr. LEAHY, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “America’s College
5 Promise Act of 2019”.

1 **SEC. 2. PROGRAM AUTHORIZED.**

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

5 **“PART J—AMERICA’S COLLEGE PROMISE**

6 **FEDERAL-STATE PARTNERSHIP**

7 **“Subpart 1—State and Indian Tribe Grants for**
8 **Community Colleges**

9 **“SEC. 499A. IN GENERAL.**

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

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

16 “(a) FEDERAL SHARE.—

17 “(1) FORMULA.—Subject to paragraph (2), the
18 Federal share of a grant under this subpart shall be
19 based on a formula, determined by the Secretary,
20 that—

21 “(A) accounts for the State or Indian
22 tribe’s share of eligible students;

23 “(B) accounts for the ratio between a
24 State or Indian tribe’s funding per full-time
25 equivalent (FTE) student at public colleges and
26 universities and the average net price at State

1 public four-year colleges and universities, in
2 such a way as to reward States that keep net
3 prices for students low while maintaining their
4 investment in higher education; and

5 “(C) provides, for each eligible student in
6 the State or Indian tribe, a per-student amount
7 that is at least 75 percent of—

8 “(i) for the 2020–2021 award year,
9 the average resident community college tui-
10 tion and fees per student in all States for
11 the most recent year for which data are
12 available; and

13 “(ii) for each subsequent award year,
14 the amount determined under this clause
15 for the preceding award year, increased by
16 the lesser of—

17 “(I) a percentage equal to the es-
18 timated percentage increase in the
19 Consumer Price Index (as determined
20 by the Secretary) since the date of
21 such determination; or

22 “(II) 3 percent.

23 “(2) EXCEPTION FOR CERTAIN INDIAN
24 TRIBES.—In any case in which not less than 75 per-
25 cent of the students at the community colleges oper-

1 ated or controlled by an Indian tribe are low-income
2 students, the amount of the Federal share for such
3 Indian tribe shall be not less than 95 percent of the
4 total amount needed to waive tuition and fees for all
5 eligible students enrolled in such community col-
6 leges.

7 “(b) STATE OR TRIBAL SHARE.—

8 “(1) FORMULA.—

9 “(A) IN GENERAL.—The State or tribal
10 share of a grant under this subpart for each fis-
11 cal year shall be the amount needed to pay 25
12 percent of the average community college resi-
13 dent tuition and fees per student in all States
14 in the 2020–2021 award year for all eligible
15 students in the State or Indian tribe, respec-
16 tively, for such fiscal year, except as provided in
17 subparagraph (B).

18 “(B) EXCEPTION FOR CERTAIN INDIAN
19 TRIBES.—In the case of an Indian tribe de-
20 scribed in subsection (a)(2), the amount of such
21 Indian tribe’s tribal share shall not exceed 5
22 percent of the total amount needed to waive tui-
23 tion and fees for all eligible students enrolled in
24 such community colleges.

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

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

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

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

12 “(c) DETERMINING NUMBER OF ELIGIBLE STU-
13 DENTS.—

14 “(1) IN GENERAL.—The Secretary of Education
15 shall develop and implement a process for accurately
16 estimating the number of eligible students in a State
17 or Indian tribe for purposes of subsection (a) and
18 (b).

19 “(2) INITIAL DETERMINATION.—For the first
20 year for which grants are awarded under this sub-
21 part, the number of eligible students in a State or
22 Indian tribe shall be considered to be equal to the
23 number of eligible students that were in the State or
24 tribe for the 2020–2021 school year.

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

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

11 “(2) if it is determined under paragraph (1)
12 that the actual number of eligible students in the
13 State or Tribe is higher than such estimate, issue a
14 supplementary grant payment to the State or tribe
15 in an amount that ensures that the total amount of
16 the grant funds received by the State or tribe under
17 this subpart for the year covered by the grant accu-
18 rately reflects the higher number of eligible students.

19 **“SEC. 499C. APPLICATIONS.**

20 “(a) SUBMISSION.—In order to receive a grant under
21 this subpart, a State or tribe shall submit an application
22 to the Secretary at such time, in such manner, and con-
23 taining such information as the Secretary may require.

24 “(b) CONTENTS.—Each application under subsection
25 (a) shall include, at a minimum—

1 “(1) an estimate of the number of eligible stu-
2 dents in the State or Indian tribe and the cost of
3 waiving community college resident tuition and fees
4 for all eligible students for each fiscal year covered
5 by the grant;

6 “(2) an assurance that all community colleges
7 in the State or under the jurisdiction of the Indian
8 tribe, respectively, will waive resident tuition and
9 fees for eligible students in accordance with section
10 499D(a);

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

17 “(A) providing comprehensive academic
18 and student support services, including men-
19 toring and advising, especially for low-income,
20 first-generation, adult, and other underrep-
21 resented students;

22 “(B) the provision of direct support serv-
23 ices such as—

24 “(i) childcare, transportation, emer-
25 gency financial assistance, and mental

1 health and substance use disorder treat-
2 ment;

3 “(ii) assistance in obtaining health in-
4 surance coverage;

5 “(iii) assistance securing affordable
6 housing;

7 “(iv) efforts to address food insecurity
8 and campus hunger; and

9 “(v) efforts to facilitate student par-
10 ticipation in means-tested Federal benefit
11 programs (as defined in section 479(d));

12 “(C) providing accelerated learning oppor-
13 tunities, such as dual or concurrent enrollment
14 programs, including early college high school
15 programs;

16 “(D) strengthening remedial education, es-
17 pecially for low-income, first-generation, adult
18 and other underrepresented students;

19 “(E) implementing course redesigns of
20 high-enrollment courses to improve student out-
21 comes and reduce cost; or

22 “(F) utilizing career pathways or degree
23 pathways;

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

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

6 “(5) an assurance that all participating commu-
7 nity colleges in the State or under the authority of
8 the Indian tribe have entered into program partici-
9 pation agreements under section 487;

10 “(6) an assurance that the State or Indian tribe
11 will, to the extent practicable, assist eligible students
12 in obtaining information about and accessing means-
13 tested Federal benefit programs (as defined in sec-
14 tion 479(d)) for which such students may be eligible;

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

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

21 “(A) an assurance that the State will, to
22 the extent practicable, consider changes to
23 State law that will enable more community col-
24 lege students to be eligible for means-tested

1 Federal benefit programs (as defined in section
2 479(d));

3 “(B) an assurance that the State will meet
4 the requirements of section 499D(b)(1) relating
5 to the alignment of secondary and postsec-
6 ondary education; and

7 “(C) an assurance that the State will meet
8 the requirements of section 499D(b)(2) relating
9 to the improvement of transfer pathways be-
10 tween institutions of higher education.

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

12 “(a) GENERAL REQUIREMENTS FOR STATES AND IN-
13 DIAN TRIBES.—As a condition of receiving a grant under
14 this subpart a State or Indian tribe shall meet the fol-
15 lowing requirements:

16 “(1) For each year of the grant the total
17 amount of community college resident tuition and
18 fees charged to an eligible student in the State or
19 Indian tribe shall be \$0.

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

23 “(b) STATE REQUIREMENTS.—As a condition of re-
24 ceiving a grant under this subpart a State shall meet the
25 following requirements:

1 “(1) ALIGNMENT OF K-12 AND HIGHER EDU-
2 CATION.—

3 “(A) IN GENERAL.—The State shall—

4 “(i) submit a plan to align the re-
5 quirements for receiving a regular high
6 school diploma from a public high school
7 with the requirements for entering credit-
8 bearing coursework at a participating com-
9 munity college; and

10 “(ii) not later than three years after
11 the date on which the State first receives
12 a grant under this subpart, certify to the
13 Secretary that such alignment has been
14 achieved.

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

21 “(i) a written explanation for the
22 delay in making the certification; and

23 “(ii) a plan that will enable the State
24 to make the certification by not later than

1 5 years after the date on which the State
2 first received a grant under this subpart.

3 “(2) TRANSFER PATHWAYS.—

4 “(A) IN GENERAL.—Not later than 3 years
5 after the date on which a State first receives a
6 grant under this subpart, such State shall cer-
7 tify to the Secretary that each public institution
8 of higher education participating in any pro-
9 gram under this title has entered into an ar-
10 ticulation agreement (as defined in section
11 486A(a)) held in common with the other public
12 institutions of higher education located in such
13 State that are participating in any such pro-
14 gram. Such articulation agreement shall, at a
15 minimum, include—

16 “(i) a common general education core
17 curriculum consisting of not less than 30
18 credit hours or the equivalent coursework,
19 which are fully transferrable to any such
20 public institution of higher education in
21 the State toward meeting specific degree or
22 certificate requirements;

23 “(ii) common course numbering for
24 substantially similar courses in such com-

1 mon general education core curriculum;
2 and

3 “(iii) a guarantee that an associate
4 degree in an academic major in the arts or
5 sciences that is awarded by such a public
6 institution of higher education in the State
7 on or after the date that is not later than
8 3 years after the date on which the State
9 first receives a grant under this subpart
10 shall be fully transferrable to, and credited
11 as, the first 2 years of a related baccalaureate
12 program at a public institution of
13 higher education in such State.

14 “(B) FAILURE TO CERTIFY.—If a State
15 does not provide the certification required
16 under subparagraph (A) by the date specified in
17 such subparagraph, the State shall submit to
18 the Secretary, at such time and in such manner
19 as the Secretary may require—

20 “(i) a written explanation for the
21 delay in making the certification; and

22 “(ii) a plan that will enable the State
23 to make the certification by not later than
24 5 years after the date on which the State
25 first received a grant under this subpart.

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

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

5 “(a) IN GENERAL.—Except as provided in subsection
6 (b), a State or Indian tribe shall use a grant under this
7 subpart only to provide funds to participating community
8 colleges to enable such community colleges to waive resi-
9 dent tuition and fees for eligible students as required
10 under section 499D(a).

11 “(b) ADDITIONAL USES.—If a State or Indian tribe
12 demonstrates to the Secretary that it has grant funds re-
13 maining after meeting the demand for activities described
14 in subsection (a), the State or Indian tribe may use those
15 funds to carry out one or more of the following:

16 “(1) Expanding the scope and capacity of high-
17 quality academic and occupational skills training
18 programs at community colleges.

19 “(2) Improving postsecondary education readi-
20 ness in the State or Indian tribe, through outreach
21 and early intervention.

22 “(3) Expanding access to dual or concurrent
23 enrollment programs, including early college high
24 school programs.

1 “(4) Improving affordability at 4-year public in-
2 stitutions of higher education.

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

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

13 “(1) financial support for public higher edu-
14 cation at a level equal to or exceeding the average
15 amount provided per full-time equivalent student for
16 public institutions of higher education for the three
17 consecutive preceding fiscal years. In making the
18 calculation under this subsection, the State or In-
19 dian tribe shall—

20 “(A) exclude capital expenses and research
21 and development costs; and

22 “(B) include need-based financial aid for
23 students who attend public institutions of high-
24 er education; and

1 “(2) financial support for operational expenses
2 for public, four-year colleges and universities at a
3 level equal to or exceeding the average amount pro-
4 vided for the three consecutive preceding State or
5 Indian tribe fiscal years.

6 “(e) ANNUAL REPORT.—A State or Indian tribe re-
7 ceiving a grant under this subpart shall submit an annual
8 report to the Secretary describing the uses of grant funds
9 under this subpart, the progress made in fulfilling the re-
10 quirements of the grant, and rates of graduation, transfer
11 and attainment of recognized postsecondary credentials at
12 participating community colleges, and including any other
13 information as the Secretary may require.

14 “(f) REPORTING BY SECRETARY.—The Secretary an-
15 nually shall—

16 “(1) compile and analyze the information de-
17 scribed in subsection (e); and

18 “(2) prepare and submit a report to the Com-
19 mittee on Health, Education, Labor, and Pensions
20 of the Senate and the Committee on Education and
21 Labor of the House of Representatives containing
22 the analysis described in paragraph (1) and an iden-
23 tification of State and Indian tribe best practices for
24 achieving the purpose of this subpart.

1 “(g) TECHNICAL ASSISTANCE.—The Secretary shall
2 provide technical assistance to eligible States and Indian
3 tribes concerning best practices regarding the promising
4 and evidence-based institutional reforms and innovative
5 practices to improve student outcomes and shall dissemi-
6 nate such best practices among the States and Indian
7 tribes.

8 “(h) CONTINUATION OF FUNDING.—

9 “(1) IN GENERAL.—A State or Indian tribe re-
10 ceiving a grant under this subpart for a fiscal year
11 may continue to receive funding under this subpart
12 for future fiscal years conditioned on the availability
13 of budget authority and on meeting the require-
14 ments of the grant, as determined by the Secretary.

15 “(2) DISCONTINUATION.—The Secretary may
16 discontinue funding of the Federal share of a grant
17 under this subpart if the State or Indian tribe has
18 violated the terms of the grant or is not making ade-
19 quate progress in implementing the reforms de-
20 scribed in the application submitted under section
21 499C.

22 **“SEC. 499F. DEFINITIONS.**

23 “‘In this subpart:

24 “(1) CAREER PATHWAY.—The term ‘career
25 pathway’ has the meaning given the term in section

1 3 of the Workforce Innovation and Opportunity Act
2 (29 U.S.C. 3102).

3 “(2) COMMUNITY COLLEGE.—The term ‘com-
4 munity college’ means a public institution of higher
5 education at which the highest degree that is pre-
6 dominantly awarded to students is an associate’s de-
7 gree, including 2-year Tribal Colleges and Univer-
8 sities under section 316 and public 2-year State in-
9 stitutions of higher education.

10 “(3) DUAL OR CONCURRENT ENROLLMENT
11 PROGRAM.—The term ‘dual or concurrent enrollment
12 program’ has the meaning given the term in section
13 8101 of the Elementary and Secondary Education
14 Act of 1965 (20 U.S.C. 7801).

15 “(4) EARLY COLLEGE HIGH SCHOOL.—The
16 term ‘early college high school’ has the meaning
17 given the term in section 8101 of the Elementary
18 and Secondary Education Act of 1965 (20 U.S.C.
19 7801).

20 “(5) ELIGIBLE STUDENT.—

21 “(A) DEFINITION.—The term ‘eligible stu-
22 dent’ means a student who—

23 “(i) attends the community college on
24 not less than a half-time basis;

1 “(ii) is maintaining satisfactory
2 progress (as defined in section 484(e)) in
3 the student’s course of study;

4 “(iii) is enrolled in an eligible pro-
5 gram (as defined in section 481(b)); and

6 “(iv) either—

7 “(I) qualifies for in-State resi-
8 dent community college tuition, as de-
9 termined by the State or Indian tribe;
10 or

11 “(II) would qualify for such in-
12 State resident community college tui-
13 tion, but for the immigration status of
14 such student.

15 “(B) SPECIAL RULE.—An otherwise eligi-
16 ble student shall lose eligibility 3 calendar years
17 after first receiving benefits under this subpart.

18 “(6) INDIAN TRIBE.—The term ‘Indian tribe’
19 has the meaning given the term in section 102 of the
20 Federally Recognized Indian Tribe List Act of 1994
21 (25 U.S.C. 5130).

22 “(7) INSTITUTION OF HIGHER EDUCATION.—
23 The term ‘institution of higher education’ has the
24 meaning given the term in section 101.

1 “(8) RECOGNIZED POSTSECONDARY CREDEN-
2 TIAL.—The term ‘recognized postsecondary creden-
3 tial’ has the meaning as described in section 3 of the
4 Workforce Innovation and Opportunity Act (29
5 U.S.C. 3102).

6 “(9) STATE.—The term ‘State’ has the mean-
7 ing given the term in section 103.

8 **“SEC. 499G. APPROPRIATIONS.**

9 “(a) AUTHORIZATION AND APPROPRIATIONS.—For
10 the purpose of making grants under this subpart there are
11 authorized to be appropriated, and there are appro-
12 priated—

13 “(1) \$1,569,700,000 for fiscal year 2020;

14 “(2) \$3,472,880,000 for fiscal year 2021;

15 “(3) \$4,431,950,000 for fiscal year 2022;

16 “(4) \$6,204,030,000 for fiscal year 2023;

17 “(5) \$8,119,870,000 for fiscal year 2024;

18 “(6) \$9,297,430,000 for fiscal year 2025;

19 “(7) \$11,708,890,000 for fiscal year 2026;

20 “(8) \$14,971,330,000 for fiscal year 2027;

21 “(9) \$15,619,910,000 for fiscal year 2028; and

22 “(10) \$16,296,080,000 for fiscal year 2029 and
23 each succeeding fiscal year.

1 “(b) AVAILABILITY.—Funds appropriated under sub-
2 section (a) shall remain available to the Secretary until
3 expended.

4 “(c) INSUFFICIENT FUNDS.—If the amount appro-
5 priated under subsection (a) for a fiscal year is not suffi-
6 cient to award each participating State and Indian tribe
7 a grant under this subpart that is equal to the minimum
8 amount of the Federal share described in section 499A,
9 the Secretary may ratably reduce the amount of each such
10 grant or take other actions necessary to ensure an equi-
11 table distribution of such amount.”.

12 **SEC. 3. PATHWAYS TO STUDENT SUCCESS FOR HISTORI-**
13 **CALLY BLACK COLLEGES AND UNIVERSITIES,**
14 **TRIBAL COLLEGES AND UNIVERSITIES, AND**
15 **MINORITY-SERVING INSTITUTIONS.**

16 Part J of title IV of the Higher Education Act of
17 1965 (20 U.S.C. 1070 et seq.), as added by section 2,
18 is further amended by adding at the end the following:

1 **“Subpart 2—Grants to Historically Black Colleges**
2 **and Universities, Tribal Colleges and Univer-**
3 **sities, and Minority-Serving Institutions**

4 **“SEC. 499H. PATHWAYS TO STUDENT SUCCESS FOR HIS-**
5 **TORICALLY BLACK COLLEGES AND UNIVER-**
6 **SITIES.**

7 “(a) IN GENERAL.—From amounts appropriated
8 under section 499L(a) for any fiscal year, the Secretary
9 shall award grants to participating 4-year historically
10 black colleges or universities that meet the requirements
11 of subsection (b) to—

12 “(1) encourage students to enroll and success-
13 fully complete a bachelor’s degree at participating
14 institutions;

15 “(2) provide incentives to community college
16 students to transfer to participating institutions
17 through strong transfer pathways to complete a
18 bachelor’s degree program; and

19 “(3) support participating institutions to better
20 serve new and existing students by engaging in re-
21 forms and innovations designed to improve comple-
22 tion rates and other student outcomes.

23 “(b) ELIGIBILITY.—To be eligible to receive a grant
24 under the program under this section, an institution shall
25 be a historically black college or university that—

1 “(1) has a student body of which not less than
2 35 percent are low-income students;

3 “(2) commits to maintaining or adopting and
4 implementing promising and evidence-based institu-
5 tional reforms and innovative practices to improve
6 the completion rates and other student outcomes,
7 such as—

8 “(A) providing comprehensive academic
9 and student support services, including men-
10 toring and advising, especially for low-income,
11 first-generation, adult, and other underrep-
12 resented students;

13 “(B) providing direct support services such
14 as—

15 “(i) childcare, transportation, emer-
16 gency financial assistance, and mental
17 health and substance use disorder treat-
18 ment;

19 “(ii) assistance in obtaining health in-
20 surance coverage;

21 “(iii) assistance securing affordable
22 housing;

23 “(iv) efforts to address food insecurity
24 and campus hunger; and

1 “(v) efforts to facilitate student par-
2 ticipation in means-tested Federal benefit
3 programs (as defined in section 479(d));

4 “(C) providing accelerated learning oppor-
5 tunities and degree pathways, such as dual en-
6 rollment and pathways to graduate and profes-
7 sional degree programs;

8 “(D) partnering with employers, industry,
9 not-for-profit associations, and other groups to
10 provide opportunities to advance learning out-
11 side the classroom, including work-based learn-
12 ing opportunities such as internships or appren-
13 ticeships or programs designed to improve
14 inter-cultural development and personal growth,
15 such as foreign exchange and study abroad pro-
16 grams;

17 “(E) strengthening remedial education, es-
18 pecially for low-income students, first-genera-
19 tion college students, adult students, and other
20 underrepresented students; or

21 “(F) implementing course redesigns of
22 high-enrollment courses to improve student out-
23 comes and reduce cost;

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

1 “(4) if receiving a grant for transfer students,
2 has articulation agreements with community colleges
3 at the national, State, or local level to ensure that
4 community college credits can fully transfer to the
5 participating institution.

6 “(c) GRANT AMOUNT.—

7 “(1) INITIAL AMOUNT.—For the first year that
8 an eligible institution participates in the grant pro-
9 gram under this section and subject to paragraph
10 (3), such eligible institution shall receive a grant in
11 an amount based on the product of—

12 “(A) the actual cost of tuition and fees at
13 the eligible institution in such year (referred to
14 in this section as the per-student rebate); and

15 “(B) the number of eligible students en-
16 rolled in the eligible institution for the pre-
17 ceding year.

18 “(2) SUBSEQUENT INCREASES.—For each suc-
19 ceeding year after the first year of the grant pro-
20 gram under this section, each participating eligible
21 institution shall receive a grant in the amount deter-
22 mined under paragraph (1) for such year, except
23 that in no case shall the amount of the per-student
24 rebate for an eligible institution increase by more

1 than 3 percent as compared to the amount of such
2 rebate for the preceding year.

3 “(3) LIMITATIONS.—

4 “(A) MAXIMUM PER-STUDENT REBATE.—

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

12 “(B) FIRST-YEAR TUITION AND FEES.—

13 During the first year of participation in the
14 grant program under this section, no eligible in-
15 stitution may increase tuition and fees at a rate
16 greater than any annual increase at the eligible
17 institution in the previous 5 years.

18 “(d) APPLICATION.—An eligible institution that de-
19 sires a grant under this section shall submit an application
20 to the Secretary at such time, in such manner, and con-
21 taining such information as the Secretary may require.

22 “(e) USE OF FUNDS.—Funds awarded under this
23 section to a participating eligible institution shall be used
24 to waive or significantly reduce tuition and fees for eligible
25 students in an amount of not more than up to the annual

1 per-student rebate amount for each student, for not more
2 than the first 60 credits an eligible student enrolls in the
3 participating eligible institution.

4 **“SEC. 499L. PATHWAYS TO STUDENT SUCCESS FOR TRIBAL**
5 **COLLEGES AND UNIVERSITIES.**

6 “(a) IN GENERAL.—From amounts appropriated
7 under section 499L(a) for any fiscal year, the Secretary
8 shall award grants to participating 4-year Tribal Colleges
9 or Universities that meet the requirements of subsection
10 (b) to—

11 “(1) encourage students to enroll and success-
12 fully complete a bachelor’s degree at participating
13 institutions;

14 “(2) provide incentives to community college
15 students to transfer to participating institutions
16 through strong transfer pathways to complete a
17 bachelor’s degree program; and

18 “(3) support participating institutions to better
19 serve new and existing students by engaging in re-
20 forms and innovations designed to improve comple-
21 tion rates and other student outcomes.

22 “(b) ELIGIBILITY.—To be eligible to receive a grant
23 under the program under this section, an institution shall
24 be a Tribal College or University that—

1 “(1) has a student body of which not less than
2 35 percent are low-income students;

3 “(2) commits to maintaining or adopting and
4 implementing promising and evidence-based institu-
5 tional reforms and innovative practices to improve
6 the completion rates and other student outcomes,
7 such as—

8 “(A) providing comprehensive academic
9 and student support services, including men-
10 toring and advising, especially for low-income,
11 first-generation, adult, and other underrep-
12 resented students;

13 “(B) providing direct support services such
14 as—

15 “(i) childcare, transportation, emer-
16 gency financial assistance, and mental
17 health and substance use disorder treat-
18 ment;

19 “(ii) assistance in obtaining health in-
20 surance coverage;

21 “(iii) assistance securing affordable
22 housing;

23 “(iv) efforts to address food insecurity
24 and campus hunger; and

1 “(v) efforts to facilitate student par-
2 ticipation in means-tested Federal benefit
3 programs (as defined in section 479(d));

4 “(C) providing accelerated learning oppor-
5 tunities and degree pathways, such as dual en-
6 rollment and pathways to graduate and profes-
7 sional degree programs;

8 “(D) partnering with employers, industry,
9 not-for-profit associations, and other groups to
10 provide opportunities to advance learning out-
11 side the classroom, including work-based learn-
12 ing opportunities such as internships or appren-
13 ticeships or programs designed to improve
14 inter-cultural development and personal growth,
15 such as foreign exchange and study abroad pro-
16 grams;

17 “(E) strengthening remedial education, es-
18 pecially for low-income students, first genera-
19 tion college students, adult students, and other
20 underrepresented students; or

21 “(F) implementing course redesigns of
22 high-enrollment courses to improve student out-
23 comes and reduce cost;

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

1 “(4) if receiving a grant for transfer students,
2 has articulation agreements with community colleges
3 at the national, State, or local level to ensure that
4 community college credits can fully transfer to the
5 participating institution.

6 “(c) GRANT AMOUNT.—

7 “(1) INITIAL AMOUNT.—For the first year that
8 an eligible institution participates in the grant pro-
9 gram under this section and subject to paragraph
10 (3), such eligible institution shall receive a grant in
11 an amount based on the product of—

12 “(A) the actual cost of tuition and fees at
13 the eligible institution in such year (referred to
14 in this section as the per-student rebate); and

15 “(B) the number of eligible students en-
16 rolled in the eligible institution for the pre-
17 ceding year.

18 “(2) SUBSEQUENT INCREASES.—For each suc-
19 ceeding year after the first year of the grant pro-
20 gram under this section, each participating eligible
21 institution shall receive a grant in the amount deter-
22 mined under paragraph (1) for such year, except
23 that in no case shall the amount of the per-student
24 rebate for an eligible institution increase by more

1 than 3 percent as compared to the amount of such
2 rebate for the preceding year.

3 “(3) LIMITATIONS.—

4 “(A) MAXIMUM PER-STUDENT REBATE.—

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

12 “(B) FIRST-YEAR TUITION AND FEES.—

13 During the first year of participation in the
14 grant program under this section, no eligible in-
15 stitution may increase tuition and fees at a rate
16 greater than any annual increase at the eligible
17 institution in the previous 5 years.

18 “(d) APPLICATION.—An eligible institution that de-
19 sires a grant under this section shall submit an application
20 to the Secretary at such time, in such manner, and con-
21 taining such information as the Secretary may require.

22 “(e) USE OF FUNDS.—Funds awarded under this
23 section to a participating eligible institution shall be used
24 to waive or significantly reduce tuition and fees for eligible
25 students in an amount of not more than up to the annual

1 per-student rebate amount for each student, for not more
 2 than the first 60 credits an eligible student enrolls in the
 3 participating eligible institution.

4 **“SEC. 499J. PATHWAYS TO STUDENT SUCCESS FOR HIS-**
 5 **PANIC-SERVING INSTITUTIONS, ASIAN AMER-**
 6 **ICAN AND NATIVE AMERICAN PACIFIC IS-**
 7 **LANDER-SERVING INSTITUTIONS, ALASKA NA-**
 8 **TIVE-SERVING INSTITUTIONS, NATIVE HAWAI-**
 9 **IAN-SERVING INSTITUTIONS, PREDOMI-**
 10 **NANTLY BLACK INSTITUTIONS, AND NATIVE**
 11 **AMERICAN-SERVING NONTRIBAL INSTITU-**
 12 **TIONS.**

13 “(a) IN GENERAL.—From amounts appropriated
 14 under section 499L(a) for any fiscal year, the Secretary
 15 shall award grants to participating 4-year minority-serving
 16 institutions to—

17 “(1) encourage students to enroll and success-
 18 fully complete a bachelor’s degree at participating
 19 institutions;

20 “(2) provide incentives to community college
 21 students to transfer to participating institutions
 22 through strong transfer pathways to complete a
 23 bachelor’s degree program; and

24 “(3) support participating institutions to better
 25 serve new and existing students by engaging in re-

1 forms and innovations designed to improve comple-
2 tion rates and other student outcomes.

3 “(b) INSTITUTIONAL ELIGIBILITY.—To be eligible to
4 participate and receive a grant under this section, an insti-
5 tution shall be a minority-serving institution that—

6 “(1) has a student body of which not less than
7 35 percent are low-income students;

8 “(2) commits to maintaining or adopting and
9 implementing promising and evidence-based institu-
10 tional reforms and innovative practices to improve
11 the completion rates and other student outcomes,
12 such as—

13 “(A) providing comprehensive academic
14 and student support services, including men-
15 toring and advising, especially for low-income,
16 first-generation, adult, and other underrep-
17 resented students;

18 “(B) providing direct support services such
19 as—

20 “(i) childcare, transportation, emer-
21 gency financial assistance, and mental
22 health and substance use disorder treat-
23 ment;

24 “(ii) assistance in obtaining health in-
25 surance coverage;

1 “(iii) assistance securing affordable
2 housing;

3 “(iv) efforts to address food insecurity
4 and campus hunger; and

5 “(v) efforts to facilitate student par-
6 ticipation in means-tested Federal benefit
7 programs (as defined in section 479(d));

8 “(C) providing accelerated learning oppor-
9 tunities and degree pathways, such as dual en-
10 rollment and pathways to graduate and profes-
11 sional degree programs;

12 “(D) partnering with employers, industry,
13 not-for-profit associations, and other groups to
14 provide opportunities to advance learning out-
15 side the classroom, including work-based learn-
16 ing opportunities such as internships or appren-
17 ticeships or programs designed to improve
18 inter-cultural development and personal growth,
19 such as foreign exchange and study abroad pro-
20 grams;

21 “(E) strengthening remedial education, es-
22 pecially for low-income students, first genera-
23 tion college students, adult students, and other
24 underrepresented students; and

1 “(F) implementing course redesigns of
2 high-enrollment courses to improve student out-
3 comes and reduce cost;

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

6 “(4) if receiving a grant for transfer students,
7 has articulation agreements with community colleges
8 at the national, State, or local levels to ensure that
9 community college credits can fully transfer to the
10 participating institution.

11 “(c) GRANT AMOUNT.—

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

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

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

24 “(2) SUBSEQUENT INCREASES.—For each suc-
25 ceeding year after the first year of the grant pro-

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

7 “(3) LIMITATIONS.—

8 “(A) MAXIMUM PER-STUDENT REBATE.—

9 No eligible institution participating in the grant
10 program under this section shall receive a per-
11 student rebate amount for a grant year greater
12 than the national average of public four-year in-
13 stitutional tuition and fees, as determined by
14 the Secretary.

15 “(B) FIRST-YEAR TUITION AND FEES.—

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

21 “(d) APPLICATION.—An eligible institution shall sub-

22 mit an application to the Secretary at such time, in such
23 a manner, and containing such information as determined
24 by the Secretary.

1 “(e) USE OF FUNDS.—Funds awarded under this
 2 section to a participating eligible institution shall be used
 3 to waive or significantly reduce tuition and fees for eligible
 4 students in an amount of not more than up to the annual
 5 per-student rebate amount for each student, for not more
 6 than the first 60 credits an eligible student enrolls in the
 7 participating eligible institution.

8 **“SEC. 499K. DEFINITIONS.**

9 “In this subpart:

10 “(1) ELIGIBLE STUDENT.—

11 “(A) DEFINITION.—The term ‘eligible stu-
 12 dent’ means a student, regardless of age, who—

13 “(i)(I) enrolls in a historically black
 14 college or university, Tribal College or Uni-
 15 versity, or minority-serving institution; or

16 “(II) transfers from a community col-
 17 lege into a historically black college or uni-
 18 versity, Tribal College or University, or mi-
 19 nority-serving institution;

20 “(ii) attends the historically black col-
 21 lege or university, Tribal College or Uni-
 22 versity, or minority-serving institution, on
 23 at least a half-time basis;

24 “(iii) maintains satisfactory academic
 25 progress; and

1 “(iv) is a low-income student.

2 “(B) SPECIAL RULES.—

3 “(i) FIRST 3 YEARS.—An otherwise el-
4 ible student shall lose eligibility 3 cal-
5 endar years after first receiving benefits
6 under this title.

7 “(ii) SPECIAL RULE FOR CERTAIN
8 STUDENTS.—Notwithstanding subpara-
9 graph (A)(i), an otherwise eligible student
10 whose parent or guardian was denied a
11 Federal Direct PLUS loan under part D
12 after November 1, 2011, and before March
13 29, 2015, and who subsequently withdrew
14 from a historically black college or univer-
15 sity, Tribal College or University, or mi-
16 nority-serving institution, and has not yet
17 completed a program of study at such his-
18 torically black college or university or mi-
19 nority-serving institution, shall be eligible
20 to participate under sections 499H, 499I,
21 or 499J in order to complete such program
22 of study, subject to all other requirements
23 of sections 499H, 499I, or 499J (as the
24 case may be).

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

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

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

9 “(B) may include a student ineligible for a
10 Federal Pell Grant under section 401 who is
11 determined by the institution to be a low-in-
12 come student based on an analysis of the stu-
13 dent’s ability to afford the cost of attendance at
14 the institution.

15 “(4) MINORITY-SERVING INSTITUTION.—The
16 term ‘minority-serving institution’ means any public
17 or nonprofit institution of higher education—

18 “(A) described in paragraph (2), (4), (5),
19 (6), or (7) of section 371(a); and

20 “(B) designated as a minority-serving in-
21 stitution by the Secretary.

22 “(5) TRIBAL COLLEGE OR UNIVERSITY.—The
23 term ‘Tribal College or University’ has the meaning
24 given the term in section 316.

1 **“SEC. 499L. APPROPRIATIONS.**

2 “(a) AUTHORIZATION AND APPROPRIATIONS FOR
3 HBCU, TCU, AND MSI GRANTS.—For the purpose of
4 carrying out sections 499H, 499I, and 499J there are au-
5 thorized to be appropriated, and there are appropriated—

6 “(1) \$63,250,000 for fiscal year 2020;

7 “(2) \$206,990,000 for fiscal year 2021;

8 “(3) \$1,232,760,000 for fiscal year 2022;

9 “(4) \$1,282,210,000 for fiscal year 2023;

10 “(5) \$1,333,950,000 for fiscal year 2024;

11 “(6) \$1,386,850,000 for fiscal year 2025;

12 “(7) \$1,408,700,000 for fiscal year 2026;

13 “(8) \$1,501,850,000 for fiscal year 2027;

14 “(9) \$1,562,800,000 for fiscal year 2028; and

15 “(10) \$1,626,040,000 for fiscal year 2029 and
16 each succeeding fiscal year.

17 “(b) AVAILABILITY.—Funds appropriated under sub-
18 section (a) are to remain available to the Secretary until
19 expended.

20 “(c) INSUFFICIENT FUNDS.—If the amount appro-
21 priated under subsection (a) for a fiscal year is not suffi-
22 cient to award each participating institution in the grant
23 programs under sections 499H, 499I, and 499J a grant
24 under this part equal to 100 percent of the grant amount
25 determined under section 499H(c), 499I(c), or 499J(c),
26 as appropriate, the Secretary may ratably reduce the

- 1 amount of each such grant or take other actions necessary
- 2 to ensure an equitable distribution of such amount.”.

○