

117TH CONGRESS  
1ST SESSION

# H. R. 2028

To amend the Higher Education Act of 1965 to authorize a program to recognize institutions of higher education that offer outstanding services and programs for foster and homeless youth, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2021

Mr. KILDEE (for himself, Mr. BACON, Ms. BASS, Ms. CASTOR of Florida, Mr. FITZPATRICK, Mr. GARBARINO, Mr. HASTINGS, Mr. KATKO, Mr. LANGEVIN, Mrs. LAWRENCE, Mr. LAWSON of Florida, Mr. LOWENTHAL, Mr. MELJER, Mr. POSEY, Mr. SAN NICOLAS, and Mr. SOTO) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Higher Education Act of 1965 to authorize a program to recognize institutions of higher education that offer outstanding services and programs for foster and homeless youth, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fostering Postsec-  
5 ondary Success for Foster and Homeless Youth Act of  
6 2021”.

1 **SEC. 2. RECOGNITION OF FOSTER AND HOMELESS YOUTH**  
2 **FRIENDLY INSTITUTIONS OF HIGHER EDU-**  
3 **CATION.**

4 Title VIII of the Higher Education Act of 1965 (20  
5 U.S.C. 1161a et seq.) is amended by adding at the end  
6 the following new part:

7 **“PART BB—FOSTER AND HOMELESS YOUTH**  
8 **FRIENDLY INSTITUTIONS**  
9 **“SEC. 899. RECOGNITION OF FOSTER CARE YOUTH AND**  
10 **HOMELESS YOUTH FRIENDLY INSTITUTIONS**  
11 **OF HIGHER EDUCATION.**

12 “(a) GENERAL AUTHORITY.—The Secretary shall  
13 recognize eligible institutions that offer outstanding sup-  
14 port services and other programs tailored to the needs of  
15 foster care youth and homeless youth.

16 “(b) DESIGNATION.—An eligible institution recog-  
17 nized by the Secretary under subsection (a) shall be des-  
18 ignated as ‘Foster and Homeless Youth Friendly’.

19 “(c) APPLICATION.—To be considered for recognition  
20 under subsection (a), an eligible institution shall submit  
21 to the Secretary an application at such time, in such man-  
22 ner, and containing such information as the Secretary may  
23 require. At a minimum, each application shall include a  
24 detailed description of the programs and services for foster  
25 care youth and homeless youth that are offered by the in-

1 stitution, which may include programs and services such  
2 as—

3 “(1) mentorship programs that formally match  
4 foster care youth and homeless youth with a peer or  
5 adult mentor;

6 “(2) academic support services to supplement  
7 or complement the classroom instruction provided to  
8 foster care youth and homeless youth;

9 “(3) housing assistance programs under which  
10 the institution provides—

11 “(A) on-campus or off-campus housing di-  
12 rectly to foster care youth and homeless youth;

13 or

14 “(B) financial support to cover the housing  
15 costs of foster care youth and homeless youth;

16 “(4) life and workforce skills development pro-  
17 grams that teach or enhance the skills that foster  
18 care youth and homeless youth may require to be  
19 successful in their personal and professional lives;

20 “(5) financial aid or scholarships available ex-  
21 clusively to foster care youth and homeless youth;

22 “(6) counseling or mental health services pro-  
23 vided by a licensed professional with expertise in  
24 serving foster care youth and homeless youth;

1           “(7) case management services and efforts to  
2 facilitate participation in other Federal assistance  
3 programs for which students may be eligible; and

4           “(8) such other programs and services as the  
5 Secretary determines to be appropriate in consulta-  
6 tion with the individuals and entities described in  
7 subsection (e).

8           “(d) SELECTION PROCESS.—

9           “(1) GENERAL REQUIREMENTS.—

10           “(A) ANNUAL, MERIT-BASED SELEC-  
11 TION.—On an annual basis, the Secretary shall  
12 select eligible institutions for recognition under  
13 subsection (a) from among institutions that  
14 submit applications to the Secretary under sub-  
15 section (c). The Secretary shall select such in-  
16 stitutions on a competitive basis, based solely  
17 on merit.

18           “(B) GEOGRAPHIC DIVERSITY NOT RE-  
19 QUIRED.—The Secretary shall not consider geo-  
20 graphic diversity among the States as a factor  
21 in the selection of eligible institutions for rec-  
22 ognition under subsection (a).

23           “(2) CRITERIA AND PROCEDURES.—Consistent  
24 with paragraph (1), the Secretary shall issue guide-  
25 lines setting forth criteria and procedures for the se-

1       lection of institutions for recognition under sub-  
2       section (a). The guidelines shall be developed and  
3       implemented as follows:

4               “(A) DRAFT GUIDELINES.—Not later than  
5               180 days after the date of the enactment of this  
6               section, the Secretary shall issue draft guide-  
7               lines, which shall be made available for public  
8               comment for a period of not less than 90 days.

9               “(B) REVISED GUIDELINES.—Not later  
10              than 90 days after the end of the public com-  
11              ment period specified in subparagraph (A), the  
12              Secretary shall issue revised guidelines, which  
13              shall be made available for public comment for  
14              a period of not less than 30 days.

15             “(C) FINAL GUIDELINES.—Not later than  
16             30 days after the end of the public comment pe-  
17             riod specified in subparagraph (B), the Sec-  
18             retary shall publish and implement the final  
19             guidelines.

20             “(e) CONSULTATION.—In carrying out the program  
21             under this section, the Secretary shall consult with appro-  
22             priate individuals and entities outside the Department of  
23             Education, which may include—

24                     “(1) other Federal agencies;

25                     “(2) State agencies;

1 “(3) institutions of higher education;  
2 “(4) nonprofit and advocacy organizations;  
3 “(5) current and former foster care youth; and  
4 “(6) students who have experienced homeless-  
5 ness.

6 “(f) INFORMATION SHARING.—On an annual basis,  
7 the Secretary shall publish, on a publicly accessible  
8 website of the Department of Education—

9 “(1) a profile of each institution recognized  
10 under subsection (a) in the most recent year; and

11 “(2) a comprehensive list of all institutions pre-  
12 viously recognized under subsection (a).

13 “(g) ENSURING CONTINUITY OF QUALITY PROGRAMS  
14 AND SERVICES FOR FOSTER AND HOMELESS YOUTH.—

15 “(1) INSTITUTIONAL REVIEW.—

16 “(A) IN GENERAL.—Not less frequently  
17 than once every five years, the Secretary shall  
18 review each institution recognized under sub-  
19 section (a) to determine whether the programs  
20 and services provided by the institution con-  
21 tinue to meet the criteria required for such rec-  
22 ognition.

23 “(B) NOTICE.—If the Secretary deter-  
24 mines under subparagraph (A) that an institu-  
25 tion no longer meets the criteria for recognition

1 under subsection (a), the Secretary shall trans-  
2 mit written notice of such determination to the  
3 institution.

4 “(C) REVOCATION.—After transmitting  
5 the notice required under subparagraph (B),  
6 the Secretary shall—

7 “(i) revoke the institution’s recogni-  
8 tion under subsection (a); and

9 “(ii) remove the profile established for  
10 the institution under subsection (f)(1)  
11 from the website of the Department of  
12 Education.

13 “(D) REAPPLICATION.—An institution  
14 that loses recognition under subsection (a) may  
15 reapply for such recognition in a subsequent ap-  
16 plication year.

17 “(2) BRIEFING.—Not later than 3 years after  
18 the date of enactment of this section, and not less  
19 frequently than once every 2 years thereafter, the  
20 Secretary shall provide to Congress a briefing that  
21 identifies—

22 “(A) strategies used by institutions that  
23 proved effective in meeting the needs of foster  
24 care youth and homeless youth; and

1                   “(B) recommendations on how to improve  
2                   programs and services for foster care youth and  
3                   homeless youth.

4   **“SEC. 899A. TRAINING, EVALUATION, AND INFORMATION**  
5                   **CENTER.**

6           “(a) IN GENERAL.—Not later than two years after  
7 the date of enactment of this section, the Secretary shall  
8 establish a Center for Fostering Postsecondary Success  
9 for Foster and Homeless Youth (referred to in this section  
10 as the ‘Center’).

11          “(b) DUTIES.—The duties of the Center shall be to  
12 assist institutions of higher education in establishing and  
13 maintaining programs for foster care youth and homeless  
14 youth, including by—

15                   “(1) providing technical assistance;

16                   “(2) collecting, evaluating, and delivering infor-  
17 mation on best practices for such programs; and

18                   “(3) maintaining resources to help foster care  
19 youth and homeless youth navigate postsecondary  
20 education.

21          “(c) COOPERATIVE AGREEMENT.—For the purpose  
22 of carrying out this section, the Secretary may enter into  
23 cooperative agreements with one or more organizations  
24 with expertise in support services and other programs tai-



1 lored to the needs of foster care youth and homeless youth,  
2 including—

3 “(1) nonprofit nongovernmental organizations;

4 “(2) Federal and State government agencies;

5 “(3) institutions of higher education, including  
6 public, private, and land-grant colleges and univer-  
7 sities; and

8 “(4) such other organizations as the Secretary  
9 determines to be appropriate.

10 “(d) PRIORITY.—In entering into agreements with  
11 organizations under subsection (c), the Secretary shall  
12 give priority to organizations that—

13 “(1) are capable of engaging with foster care  
14 youth and homeless youth and programs that serve  
15 such youth and demonstrate expertise in under-  
16 standing the unique needs of such youth;

17 “(2) demonstrate the capacity to effectively im-  
18 plement outreach, training, and coordination func-  
19 tions;

20 “(3) are capable of producing instructional ma-  
21 terials that can easily be replicated and distributed  
22 to institutions of higher education in multiple for-  
23 mats;

24 “(4) have working partnerships with—

1           “(A) nonprofit and private sector organiza-  
2           tions; and

3           “(B) local, State, and Tribal governments;

4           “(5) have the ability to work in underserved  
5           communities; and

6           “(6) have an organizational mission aligned  
7           with goals of the program under this part.

8           “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
9           tion shall be construed to provide the Center with the au-  
10          thority to issue mandates to, or impose requirements on,  
11          any institution of higher education.

12          “(f) LIMITATION ON USE OF FUNDS.—

13           “(1) LIMITATION ON USE OF FUNDS FOR ES-  
14          TABLISHMENT.—Of the funds made available to  
15          carry out this part for each of fiscal years 2021 and  
16          2022, the Secretary may use not more than  
17          \$2,000,000 in each fiscal year to establish the Cen-  
18          ter.

19           “(2) LIMITATION ON USE OF FUNDS FOR OPER-  
20          ATION.—Of the funds made available to carry out  
21          this part for each fiscal year beginning after fiscal  
22          year 2022, the Secretary may use not more than  
23          \$1,000,000 in each fiscal year to support the oper-  
24          ations of the Center.

1 **“SEC. 899B. DEFINITIONS.**

2 “In this part:

3 “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-  
4 ble institution’ means—

5 “(A) an institution of higher education (as  
6 defined in section 101); or

7 “(B) a postsecondary educational institu-  
8 tion operated or controlled by the Bureau of In-  
9 dian Education.

10 “(2) FOSTER CARE YOUTH.—The term ‘foster  
11 care youth’ means an individual whose care and  
12 placement is the responsibility of the State or Tribal  
13 agency that administers a State or Tribal plan  
14 under part B or E of title IV of the Social Security  
15 Act (42 U.S.C. 621 et seq.; 670 et seq.), without re-  
16 gard to whether foster care maintenance payments  
17 are made under section 472 of such Act (42 U.S.C.  
18 672) on behalf of the individual, including any such  
19 individual who was in such care on or after attaining  
20 13 years of age and without regard to the reason the  
21 individual left such care.

22 “(3) HOMELESS YOUTH.—The term ‘homeless  
23 youth’ has the meaning given the term ‘homeless  
24 children and youths’ in section 725 of the McKin-

1       ney-Vento Homeless Assistance Act (42 U.S.C.  
2       11434a).”.

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