

117TH CONGRESS
2D SESSION

H. R. 7709

To authorize programs to provide college scholarships and educational support to women and girls who have escaped Afghanistan and come to the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2022

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. LYNCH, Mr. KHANNA, Ms. ADAMS, Ms. VELÁZQUEZ, Mr. SWALWELL, Ms. NORTON, Ms. BARRAGÁN, Ms. CLARKE of New York, Ms. TLAIB, Mr. MCGOVERN, Mr. MOULTON, Mrs. DEMINGS, Ms. SCANLON, Ms. SPEIER, Mr. DOGGETT, Mr. O'HALLERAN, Mr. JOHNSON of Georgia, Mr. BOWMAN, Mr. SUOZZI, Mr. WELCH, Ms. TITUS, Ms. BROWN of Ohio, Ms. NEWMAN, Mr. ESPAILLAT, Ms. BONAMICI, Mr. CÁRDENAS, Mr. PAYNE, Ms. SLOTKIN, Mr. GOMEZ, Mr. VARGAS, Mr. SOTO, Ms. ROSS, Ms. OMAR, Mr. SIRES, Ms. ESHOO, Ms. SHERRILL, Ms. JACOBS of California, Mr. LIEU, Mrs. WATSON COLEMAN, Ms. MCCOLLUM, Mr. HIGGINS of New York, Ms. ESCOBAR, Mr. LOWENTHAL, Mr. AUCHINCLOSS, and Ms. PRESSLEY) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To authorize programs to provide college scholarships and educational support to women and girls who have escaped Afghanistan and come to the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Displaced Afghan
3 Women and Girls Education Act of 2022”.

4 **SEC. 2. FINDINGS; SENSE OF CONGRESS; DEFINITION.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) After 20 years, August 2021 marked the
8 end of the United States military involvement in Af-
9 ghanistan—the longest war in American history.

10 (2) As of January 27, 2022, the United States
11 has evacuated more than 76,000 Afghans through
12 Operation Allies Welcome.

13 (3) Between May and August of 2021, 80 per-
14 cent of nearly 250,0000 Afghans forced to flee since
15 the end of May were women and children.

16 (4) According to a group of United Nations
17 human rights experts, the Taliban is currently insti-
18 tutionalizing large-scaled systematic gender-based
19 discrimination against Afghan women and girls.
20 This includes denying women and girls the access to
21 secondary and tertiary education based on their gen-
22 der.

23 (5) On January 17, 2022, a group of 36 United
24 Nations human rights experts expressed concerns re-
25 garding “restrictive measures that have been intro-

1 duced since the Taliban’s takeover of Afghanistan,
2 particularly those concerning women and girls”.

3 (6) The United States and the international
4 community have expressed concern about Afghan
5 women and girls, their rights to education, work,
6 and freedom of movement, and called on those in po-
7 sitions of power and authority across Afghanistan to
8 guarantee their protection.

9 (7) The United States and the international
10 community have affirmed that “Afghan women and
11 girls, as all Afghan people, deserve to live in safety,
12 security and dignity”.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) every individual should have the opportunity
16 to pursue a full cycle of primary, secondary, and
17 higher education; and

18 (2) every individual, regardless of gender, socio-
19 economic status, ethnicity, or religion should have
20 the opportunity to pursue an education without fear
21 of discrimination.

22 (c) DEFINITION OF DISPLACED AFGHAN WOMEN
23 AND GIRLS.—The term “displaced Afghan women and
24 girls” means women and girls who escaped or fled Afghan-
25 istan and entered the United States on or after July 1,

1 2021, and before the date that is two years after the date
2 of the enactment of this Act, and who are domiciled in
3 the United States.

4 **SEC. 3. SPECIAL OFFICIAL FOR DISPLACED AFGHAN**
5 **WOMEN AND GIRLS.**

6 Not later than 30 days after the date of the enact-
7 ment of this Act, the Secretary of Education, in consulta-
8 tion with the Secretary of State, shall designate a qualified
9 individual to serve as the Special Official for Displaced
10 Afghan Women and Girls. Such Special Official shall—

11 (1) have not less than 10 years of experience in
12 the fields of education and immigration, including
13 expertise related to Afghanistan;

14 (2) coordinate and oversee, under the direction
15 of the Secretary and in consultation with the Office
16 of Federal Student Aid, the Office of Elementary
17 and Secondary Education, and the Office of Postsec-
18 ondary Education of the Department of Education
19 (as appropriate), the programs authorized under this
20 Act and the amendments made by this Act; and

21 (3) report to the Secretary of Education and
22 Congress on the effectiveness and outcomes of such
23 programs.

1 **SEC. 4. IN-STATE TUITION RATES FOR DISPLACED AFGHAN**
2 **WOMEN AND GIRLS.**

3 (a) IN GENERAL.—The Higher Education Act of
4 1965 is amended by inserting after section 135 (20 U.S.C.
5 1015d) the following:

6 **“SEC. 135A. IN-STATE TUITION RATES FOR DISPLACED AF-**
7 **GHAN WOMEN AND GIRLS.**

8 “(a) REQUIREMENT.—In the case of a displaced Af-
9 ghan woman or girl whose domicile is in a State that re-
10 ceives assistance under this Act, such State shall not
11 charge such woman or girl tuition for attendance at a pub-
12 lic institution of higher education in the State at a rate
13 that is greater than the rate charged for residents of the
14 State.

15 “(b) DEFINITION OF DISPLACED AFGHAN WOMAN
16 OR GIRL.—The term ‘displaced Afghan woman or girl’
17 means a woman or girl who escaped or fled Afghanistan
18 and entered the United States on or after July 1, 2021,
19 and before the date that is two years after the date of
20 the enactment of this Act, and who is domiciled in the
21 United States.

22 “(c) LIMITATIONS.—The requirement under sub-
23 section (a) shall apply with respect to a displaced Afghan
24 woman or girl only until the woman or girl has established
25 residency in the State, and only with respect to the first

1 State in which the woman or girl was first domiciled after
2 arriving in the United States.

3 “(d) EFFECTIVE DATE.—This section shall take ef-
4 fect at each public institution of higher education in a
5 State that receives assistance under this Act beginning
6 with the first period of enrollment at such institution that
7 begins on or after July 1, 2022.”.

8 (b) CONFORMING AMENDMENT.—The table of con-
9 tents for the Higher Education Act of 1965 is amended
10 by inserting after the item relating to section 135 the fol-
11 lowing:

“Sec. 135A. In-State tuition rates for displaced Afghan women and girls.”.

12 **SEC. 5. HIGHER EDUCATION GRANTS FOR DISPLACED AF-**
13 **GHAN WOMEN AND GIRLS.**

14 (a) SCHOLARSHIPS FOR DISPLACED AFGHAN
15 WOMEN AND GIRLS.—Part A of title IV of the Higher
16 Education Act of 1965 (20 U.S.C. 1070 et seq.) is amend-
17 ed by adding that the end of subpart 7 the following new
18 subpart:

19 **“Subpart 8—Scholarships for Displaced Afghan**
20 **Women and Girls**

21 **“SEC. 420. SCHOLARSHIPS FOR DISPLACED AFGHAN**
22 **WOMEN AND GIRLS.**

23 “(a) DEFINITION OF ELIGIBLE DISPLACED AFGHAN
24 WOMAN OR GIRL.—The term ‘eligible displaced Afghan

1 woman or girl' means a dependent or an independent stu-
2 dent who—

3 “(1) is a displaced Afghan woman or girl, as
4 defined in section 135A;

5 “(2) is enrolled in an institution of higher edu-
6 cation (as defined in section 102(a)(1), except that
7 such term shall not include an institution described
8 in section 102(a)(1)(C)); and

9 “(3) has not completed a first undergraduate
10 baccalaureate course of study.

11 “(b) GRANTS.—

12 “(1) IN GENERAL.—The Secretary shall award
13 a grant to each eligible displaced Afghan woman or
14 girl in the amount necessary to pay the full cost of
15 attendance at an institution of higher education at
16 which such woman or girl is enrolled, except that
17 such amount shall be adjusted to reflect the attend-
18 ance by the eligible displaced Afghan woman or girl
19 on a less than full-time basis, as determined by the
20 Secretary in accordance with regulations under para-
21 graph (3)(C).

22 “(2) DESIGNATION.—Grants made under this
23 section shall be known as ‘Displaced Afghan Women
24 and Girls Scholarship Grants’.

25 “(3) PERIOD OF ELIGIBILITY.—

1 “(A) IN GENERAL.—The period during
2 which a student may receive a grant under this
3 section shall be the period required for the com-
4 pletion of the first undergraduate baccalaureate
5 course of study being pursued by that student
6 at the institution at which the student is in at-
7 tendance, except that any period during which
8 the student is enrolled in a noncredit or reme-
9 dial course of study, as described in subpara-
10 graph (B), shall not be counted for the purpose
11 of this paragraph.

12 “(B) NONCREDIT OR REMEDIAL
13 COURSES.—Nothing in this section shall exclude
14 from eligibility courses of study which are non-
15 credit or remedial in nature (including courses
16 in English language instruction) which are de-
17 termined by the institution to be necessary to
18 help the student be prepared for the pursuit of
19 a first undergraduate baccalaureate degree or,
20 in the case of courses in English language in-
21 struction, to be necessary to enable the student
22 to use already existing knowledge, training, or
23 skills.

24 “(C) MAXIMUM PERIOD.—The period dur-
25 ing which a student may receive a grant under

1 this section shall not exceed 12 semesters, or
2 the equivalent of 12 semesters, as determined
3 by the Secretary by regulation. Such regula-
4 tions shall provide, with respect to a student
5 who received a grant under this section for a
6 term but was enrolled at a fraction of full time,
7 that only that same fraction of such semester or
8 equivalent shall count towards such maximum
9 limit.

10 “(c) FAFSA NOT REQUIRED.—Not withstanding
11 section 483 or any other provision of this Act, an eligible
12 displaced Afghan woman or girl shall not be required to
13 file a Free Application for Federal Student Aid, or provide
14 any other evidence related to financial need, to be awarded
15 a grant under this section.

16 “(d) AUTHORIZATION AND APPROPRIATIONS OF
17 FUNDS.—There are authorized to be appropriated, and
18 there are appropriated, out of any money in the Treasury
19 not otherwise appropriated, for the Secretary to carry out
20 this section, such sums as may be necessary for fiscal year
21 2023 and each succeeding fiscal year through fiscal year
22 2045.”.

23 (b) ANNUAL REPORT ON EDUCATION PROGRAMS TO
24 SUPPORT DISPLACED AFGHAN WOMEN AND GIRLS.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, and annually
3 thereafter for the 3 succeeding fiscal years, the Spe-
4 cial Official for Displaced Afghan Women and Girls
5 shall provide a report to Congress on the implemen-
6 tation of the scholarship program for eligible dis-
7 placed Afghan women and girls under this section.

8 (2) CONTENTS.—The report described in para-
9 graph (1) shall include, for the most recently con-
10 cluded fiscal year—

11 (A) the total number of scholarships
12 awarded through the program, including—

13 (i) the number and percentage of indi-
14 viduals who are awarded scholarships
15 under this section compared to the number
16 of individuals who applied for such a schol-
17 arship; and

18 (ii) the total number of individuals
19 awarded scholarships under this section
20 compared to the total number of eligible
21 displaced Afghan women and girls in the
22 United States;

23 (B) the disciplines of study chosen by the
24 scholarship recipients;

1 (C) the percentage of the scholarships that
2 were awarded to individuals enrolled in a pro-
3 gram of study leading to an associate's degree,
4 a bachelor's degree, or a trade program creden-
5 tial; and

6 (D) the percentage of scholarship recipi-
7 ents who voluntarily withdrew from an institu-
8 tion of higher education, or were involuntarily
9 terminated from such an institution for failure
10 to meet program requirements.

11 **SEC. 6. STATE EDUCATIONAL SUPPORT GRANTS FOR DIS-**
12 **PLACED AFGHAN WOMEN AND GIRLS.**

13 (a) PROGRAM.—

14 (1) IN GENERAL.—The Secretary of Education
15 shall carry out a program, jointly through the Office
16 of Elementary and Secondary Education and the Of-
17 fice of Postsecondary Education, as the Secretary
18 determines to be appropriate, to award grants to eli-
19 gible entities to provide education and educational
20 support to displaced Afghan women and girls in ac-
21 cordance with this section.

22 (2) ELIGIBLE ENTITIES.—In this section, the
23 term “eligible entity” means—

24 (A) a State;

1 (B) a local educational agency (as such
2 term defined in section 8101 of the Elementary
3 and Secondary Education Act of 1965 (20
4 U.S.C. 7801)), including a charter school that
5 is a local educational agency, or a consortium
6 of local educational agencies;

7 (C) a private elementary or secondary
8 school;

9 (D) an institution of higher education (as
10 such term is defined in section 102 of the High-
11 er Education Act of 1965 (20 U.S.C. 1002));

12 (E) a community-based organization with
13 demonstrated expertise in carrying out activities
14 that are similar to activities funded under this
15 section; or

16 (F) a consortium of two or more of the en-
17 tities described in subparagraphs (A) through
18 (E).

19 (b) GRANT TERMS.—

20 (1) APPLICATION.—An eligible entity desiring a
21 grant under this section shall submit an application
22 to the Secretary at such time, in such manner, and
23 containing such information as the Secretary of
24 Education may require. Such application shall in-
25 clude—

1 (A) the activities to be carried out by the
2 eligible entity with the grant;

3 (B) in the case of an eligible entity that is
4 a State, the number of displaced Afghan women
5 and girls in the State, and the percentage of
6 such women and girls out of the total popu-
7 lation of the State; and

8 (C) in the case of an eligible entity that is
9 not a State, the number of displaced Afghan
10 women and girls to be served by the eligible en-
11 tity.

12 (2) SELECTION.—The Secretary of Education
13 shall select eligible entities to be awarded grants
14 under this section based on the demonstrated need
15 of the eligible entity to assist displaced Afghan
16 women and girls, and the ability of the eligible entity
17 to meet such need. The Secretary shall develop a
18 procedure to measure such need, which shall in-
19 clude—

20 (A) in the case of an eligible entity that is
21 a State, the number of displaced Afghan women
22 and girls in the State, compared to the total
23 number of displaced Afghan women and girls in
24 the United States, and the percentage of the
25 total population of the State that is displaced

1 Afghan women and girls, compared to the per-
2 centage of the populations of other States that
3 are displaced Afghan women and girls; and

4 (B) in the case of an eligible entity that is
5 not a State, the number of displaced Afghan
6 women and girls to be served by the entity,
7 compared to the number of displaced Afghan
8 women and girls served by entities that are
9 similar to the eligible entity.

10 (3) AMOUNT.—The Secretary of Education
11 shall determine the amount of a grant to be awarded
12 to an eligible entity under this section based on the
13 demonstrated need of the entity to assist displaced
14 Afghan women and girls, as determined in accord-
15 ance with paragraph (2), the proposed activities of
16 the entity to provide such assistance, and the dem-
17 onstrated ability of the entity to provide such assist-
18 ance.

19 (4) PERIOD.—A grant awarded under this sec-
20 tion shall be for a period of one year, and may be
21 renewed by the Secretary of Education for additional
22 one-year periods.

23 (c) ACTIVITIES.—A grant provided under this section
24 to an eligible entity shall be used by the entity to carry
25 out one or more of the following activities:

1 (1) Provide school counselors and school-based
2 mental health service providers to support displaced
3 Afghan women and girls in one or more of the fol-
4 lowing:

5 (A) Elementary schools.

6 (B) Secondary schools.

7 (C) Institutions of higher education.

8 (2) Provide elementary and secondary education
9 and related educational services to displaced Afghan
10 women and girls who are beyond the age of compul-
11 sory school attendance in a State to permit such
12 women and girls to obtain a secondary education
13 credential in such State.

14 (3) Assist displaced Afghan women and girls
15 with registration in elementary and secondary
16 schools, institutions of higher education, and other
17 educational programs or services, including, in the
18 case of an eligible entity that is a State or a local
19 educational agency (as appropriate), providing waiv-
20 ers to State and local requirements related to docu-
21 mentation, such as documentation to prove indi-
22 vidual educational history, parentage, citizenry, test
23 scores, and health and immunization records.

24 (4) Provide displaced Afghan women and girls
25 with access to campus-based childcare services, in-

1 including through the Child Care Access Means Par-
2 ents in School Program under section 419N of the
3 Higher Education Act of 1965 (20 U.S.C. 1070d-
4 41).

5 (d) WAIVER AUTHORITY.—To permit eligible entities
6 receiving a grant under this section to carry out the activi-
7 ties described in subsection (c)(4), the Secretary of Edu-
8 cation may waive requirements for institutions of higher
9 education related to low-income students under the Child
10 Care Access Means Parents in School Program under sec-
11 tion 419N of the Higher Education Act of 1965 (20
12 U.S.C. 1070d-41), to permit participation in such pro-
13 gram by displaced Afghan women and girls.

14 (e) ANNUAL REPORT BY ELIGIBLE ENTITIES.—Not
15 later than 1 year after the date an eligible entity is award-
16 ed a grant under this section, and annually thereafter for
17 the duration of the grant, the eligible entity shall provide
18 an annual report to the Secretary of Education on the ac-
19 tivities carried out with such grant during the preceding
20 fiscal year.

21 (f) SUNSET.—The authority to award grants under
22 this program shall expire at the end of fiscal year 2045.

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