

118TH CONGRESS
1ST SESSION

S. 3086

To amend the Higher Education Act of 1965 to establish grants for tuition-free community colleges, student success grants, 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

OCTOBER 19, 2023

Ms. BALDWIN (for herself, Ms. HIRONO, Mr. PADILLA, Ms. KLOBUCHAR, Mr. DURBIN, Mr. VAN HOLLEN, Mr. CARDIN, Mrs. MURRAY, Ms. DUCKWORTH, and Mr. LUJÁN) 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 grants for tuition-free community colleges, student success grants, 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 2023”.

1 **TITLE I—GRANTS FOR TUITION-**
 2 **FREE COMMUNITY COLLEGES**

3 **SEC. 101. PROGRAM AUTHORIZED.**

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

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

8 **FEDERAL-STATE PARTNERSHIP**

9 **“Subpart 1—Grants for Tuition-free Community**
 10 **College**

11 **“SEC. 499A. IN GENERAL.**

12 “From amounts appropriated under section 499G for
 13 any fiscal year, the Secretary shall award grants to eligible
 14 States and eligible Tribal Colleges and Universities to pay
 15 the Federal share of expenditures needed to carry out the
 16 activities and services described in section 499E.

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

18 “(a) FEDERAL SHARE.—

19 “(1) IN GENERAL.—

20 “(A) AMOUNT.—Subject to paragraph (2),
 21 the amount of the Federal share of a grant
 22 under this subpart shall be based on a formula,
 23 determined by the Secretary, that provides, for
 24 each eligible student enrolled in a community
 25 college operated or controlled by the State or in

1 an eligible Tribal College or University, a per-
2 student amount that is equal to the applicable
3 percent described in subparagraph (B) of—

4 “(i) for the 2024–2025 award year,
5 the average unweighted resident commu-
6 nity college tuition and fees per student in
7 all States for the most recent year for
8 which data are available; and

9 “(ii) for each subsequent award year,
10 the amount determined under this para-
11 graph for the preceding award year, in-
12 creased by the lesser of—

13 “(I) a percentage equal to the es-
14 timated percentage increase in the
15 Consumer Price Index (as determined
16 by the Secretary) since the date of
17 such determination; or

18 “(II) 3 percent.

19 “(B) APPLICABLE PERCENT.—The appli-
20 cable percent for a State receiving a grant
21 under this subpart shall be—

22 “(i) for the 2024–2025 award year,
23 100 percent;

24 “(ii) for the 2025–2026 award year,
25 95 percent;

1 “(iii) for the 2026–2027 award year,
2 90 percent;

3 “(iv) for the 2027–2028 award year,
4 85 percent; and

5 “(v) for the 2028–2029 award year
6 and each subsequent award year, 80 per-
7 cent.

8 “(2) TRIBAL COLLEGES AND UNIVERSITIES.—
9 The amount of the Federal share for an eligible
10 Tribal College or University receiving a grant under
11 this subpart shall be the greater of—

12 “(A) 100 percent of the per-student
13 amount determined in accordance with clause
14 (i) or (ii) of paragraph (1)(A), as applicable,
15 with respect to eligible students enrolled in such
16 eligible Tribal College or University (based on
17 full-time equivalent enrollment); or

18 “(B) the amount that is 100 percent of the
19 total amount needed to set tuition and fees to
20 \$0 for all eligible students enrolled in such eligi-
21 ble Tribal College or University for the 2023–
22 2024 award year, increased by the percentage
23 increase in the Consumer Price Index (as deter-
24 mined by the Secretary) between July 1, 2023,
25 and the applicable award year, and adjusted to

1 reflect the enrollment in such eligible Tribal
2 College or University for such applicable award
3 year.

4 “(b) STATE SHARE.—

5 “(1) FORMULA.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), the State share of a grant under
8 this subpart for each fiscal year shall be the
9 amount needed to pay the applicable percent
10 described in subparagraph (B) of the average
11 unweighted resident community college tuition
12 and fees per student in the 2024–2025 award
13 year for all eligible students in the State for
14 such award year.

15 “(B) APPLICABLE PERCENT.—The appli-
16 cable percentage shall be—

17 “(i) for the 2024–2025 award year, 0
18 percent;

19 “(ii) for the 2025–2026 award year, 5
20 percent;

21 “(iii) for the 2026–2027 award year,
22 10 percent;

23 “(iv) for the 2027–2028 award year,
24 15 percent; and

1 “(v) for the 2028–2029 award year
2 and each subsequent award year, 20 per-
3 cent.

4 “(C) OBLIGATION TO PROVIDE SHARE.—
5 The State shall provide the State share even if
6 the State is able to set tuition and fees charged
7 to eligible students attending community col-
8 leges operated or controlled by the State to \$0
9 as required by section 499D without such State
10 share.

11 “(D) NO DOUBLE COUNTING FUNDS.—No
12 funds that count toward the maintenance of ef-
13 fort requirement under section 499D(c) may
14 also count toward the State share under this
15 subsection.

16 “(E) SPECIAL RULE FOR OUTLYING AREAS
17 AND TERRITORIES.—

18 “(i) IN GENERAL.—If the Secretary
19 determines that requiring an outlying area
20 or territory to provide a State share in ac-
21 cordance with this subsection would rep-
22 resent a substantial hardship for the out-
23 lying area or territory, the Secretary shall
24 reduce or waive the State share for such
25 area or territory. If the Secretary so re-

1 duces or waives the amount of the State
2 share of an outlying area or territory, the
3 Secretary shall increase the applicable per-
4 cent used to calculate the Federal share
5 for such area or territory, in proportion to
6 the reduction in the applicable percent
7 used to calculate such State share.

8 “(ii) DEFINITION.—For the purposes
9 of this subparagraph, the term ‘outlying
10 area or territory’ means the Common-
11 wealth of Puerto Rico, the District of Co-
12 lumbia, Guam, American Samoa, the
13 United States Virgin Islands, the Com-
14 monwealth of the Northern Mariana Is-
15 lands, and the Freely Associated States.

16 “(2) INCLUSION OF STATE FINANCIAL AID AND
17 LOCAL FUNDS.—In the case of a State that dem-
18 onstrates to the satisfaction of the Secretary that
19 community colleges operated or controlled by such
20 State will not experience a net reduction in total
21 per-student revenue (including revenue derived from
22 tuition and fees) as compared to the preceding State
23 fiscal year in such State, a State may include, as
24 part of the State share—

1 “(A) any financial aid that is provided
2 from State funds to eligible students for such
3 students’ cost of attendance that is not awarded
4 predominantly on the basis of merit; and

5 “(B) any funds provided to community col-
6 leges by local governments in such State for the
7 purpose of carrying out this subpart, including
8 for the purpose of setting community college
9 tuition and fees for eligible students to \$0 as
10 required under section 499D.

11 “(3) RELATIONSHIP TO MAINTENANCE OF EF-
12 FORT.—The inclusion of funds described in para-
13 graph (2) as part of a State’s share shall modify the
14 maintenance of effort requirements under section
15 499D(c) in accordance with the provisions of—

16 “(A) section 499H(12)(B)(iii) with respect
17 to funds included under paragraph (2)(A); and

18 “(B) section 499H(12)(B)(ii), with respect
19 to funds included under paragraph (2)(B).

20 “(4) NO IN-KIND CONTRIBUTIONS.—A State
21 shall not include in-kind contributions for purposes
22 of the State share described in paragraph (1).

23 “(c) DETERMINING NUMBER OF ELIGIBLE STU-
24 DENTS.—

1 “(1) IN GENERAL.—For purposes of subsection
2 (a) and subsection (b), the Secretary shall develop
3 and implement a formula for accurately estimating
4 the number of eligible students and for making ad-
5 justments based on the number of eligible students
6 enrolled in the community colleges operated or con-
7 trolled by a State or in an eligible Tribal College or
8 University on less than a full-time basis and the as-
9 sociated tuition and fees charged to such students in
10 proportion to the degree to which each such student
11 is not attending on a full-time basis.

12 “(2) INITIAL DETERMINATION.—For the first
13 year for which grants are awarded under this sub-
14 part, the number of eligible students in a State or
15 eligible Tribal College or University shall be consid-
16 ered to be equal to the number of eligible students
17 who were in the State or eligible Tribal College or
18 University for the preceding school year.

19 “(d) ADJUSTMENT OF GRANT AMOUNT.—Not later
20 than 180 days after the date on which a State or eligible
21 Tribal College or University receives a grant under this
22 subpart, the Secretary shall—

23 “(1) in consultation with the State or eligible
24 Tribal College or University concerned, determine
25 whether the actual number of eligible students in the

1 State or eligible Tribal College or University for the
2 year covered by the grant is greater than the esti-
3 mated number of such students that was used to de-
4 termine the amount of the grant; and

5 “(2) in the case of a determination under para-
6 graph (1) that the actual number of eligible students
7 in the State or eligible Tribal College or University
8 is higher than such estimate, issue a supplementary
9 grant payment to the State or eligible Tribal College
10 or University in an amount that ensures that the
11 total amount of the grant funds received by the
12 State or eligible Tribal College or University under
13 this subpart for the year covered by the grant accu-
14 rately reflects the higher number of eligible students.

15 “(e) COMMUNITY COLLEGES OPERATED OR CON-
16 TROLLED BY STATE TO INCLUDE COMMUNITY COLLEGES
17 OPERATED OR CONTROLLED BY LOCAL GOVERNMENTS
18 WITHIN THE STATE.—For purposes of this subpart, the
19 term ‘community college operated or controlled by a State’
20 shall include a community college operated or controlled
21 by a local government within such State.

22 “(f) INAPPLICABILITY OF STATE REQUIREMENTS TO
23 ELIGIBLE TCUS.—The Secretary may not apply any re-
24 quirements applicable only to States under this subpart
25 to an eligible Tribal College or University, including the

1 requirements under subsection (b) and subsection (b) and
2 (c) of section 499D.

3 **“SEC. 499C. APPLICATIONS.**

4 “(a) SUBMISSION.—In order to receive a grant under
5 this subpart, a State or an eligible Tribal College or Uni-
6 versity shall submit an application to the Secretary at such
7 time, in such manner, and containing such information as
8 the Secretary may require.

9 “(b) CONTENTS.—Each application under subsection
10 (a) shall include—

11 “(1) an estimate of the number of eligible stu-
12 dents enrolled in the community colleges operated or
13 controlled by the State or in the eligible Tribal Col-
14 lege or University and the cost of waiving commu-
15 nity college tuition and fees for all eligible students
16 for each award year covered by the grant;

17 “(2) in the case of a State, a list of each of the
18 community colleges operated or controlled by the
19 State;

20 “(3) an assurance that each community college
21 operated or controlled by the State, or the eligible
22 Tribal College or University, as applicable, will set
23 community college tuition and fees for eligible stu-
24 dents to \$0 as required by section 499D(a);

1 “(4) a description of the promising and evi-
2 dence-based institutional reforms and innovative
3 practices to improve student outcomes, including
4 transfer and completion rates, that have been or will
5 be adopted by each such community college, such
6 as—

7 “(A) providing comprehensive academic,
8 career, and student support services (including
9 mentoring, advising, case management services,
10 and career pathway navigation), especially for
11 low-income, first-generation, and adult stu-
12 dents, and other students belonging to racial
13 and other groups that are historically underrep-
14 resented in higher education;

15 “(B) providing direct support services, or
16 assistance in applying for such services, such
17 as—

18 “(i) childcare, transportation, and
19 emergency financial assistance;

20 “(ii) assistance in obtaining health in-
21 surance coverage and accessing health care
22 services, including behavioral and mental
23 health services;

24 “(iii) affordable housing;

1 “(iv) nutrition assistance programs or
2 free or discounted food; and

3 “(v) means-tested Federal benefit pro-
4 grams, or similar State, tribal, or local
5 benefit programs;

6 “(C) providing accelerated learning oppor-
7 tunities, such as dual or concurrent enrollment
8 programs, including early college high school
9 programs, and reforming course scheduling and
10 credit awarding policies to better meet the
11 needs of students and shorten time to comple-
12 tion;

13 “(D) strengthening and reforming remedial
14 and developmental education, especially for low-
15 income, first-generation, and adult students,
16 and other students belonging to racial and
17 other groups that are historically underrep-
18 resented in higher education, including through
19 the use of multiple measures (such as a stu-
20 dent’s college entrance examination score, grade
21 point average, high school course list, or a
22 placement examination) to identify students in
23 need of remedial education;

24 “(E) utilizing career pathways, including
25 through building capacity for career and tech-

1 nical education, as defined in section 3(5) of
2 the Carl D. Perkins Career and Technical Edu-
3 cation Act of 2006 (20 U.S.C. 2302(5)), and
4 programs of study, as defined in section 3(41)
5 of such Act (20 U.S.C. 2302(41)), or degree
6 pathways; or

7 “(F) providing expanded opportunities for
8 participating in work-based learning, which may
9 include apprenticeship programs, in students’
10 programs of study;

11 “(5) a description of how the State or eligible
12 Tribal College or University will ensure that pro-
13 grams leading to a recognized postsecondary creden-
14 tial meet the quality criteria established by the State
15 under section 122(b)(1) of the Workforce Innovation
16 and Opportunity Act (29 U.S.C. 3152(b)(1)) or
17 other quality criteria determined appropriate by the
18 State or eligible Tribal College or University;

19 “(6) an assurance that each community college
20 operated or controlled by the State or the eligible
21 Tribal College or University, as applicable, has en-
22 tered into a program participation agreement under
23 section 487;

24 “(7) an assurance that the State or eligible
25 Tribal College or University will assist eligible stu-

1 dents in obtaining information about and accessing
2 means-tested Federal benefit programs and similar,
3 State, tribal, and local benefit programs that can
4 provide financial assistance for any component of
5 the student's cost of attendance, as defined under
6 section 472, other than tuition and fees;

7 “(8) an assurance that, for each year of the
8 grant, the State or eligible Tribal College or Univer-
9 sity will notify each eligible student of the student's
10 remaining eligibility for assistance under this sub-
11 part;

12 “(9) if the application is submitted by a
13 State—

14 “(A) a description of how the State will
15 support the scaling and increased adoption of
16 the reforms and practices described in para-
17 graph (4);

18 “(B) an assurance that the State will, to
19 the extent practicable, consider changes to
20 State law that will enable more community col-
21 lege students to be eligible for means-tested
22 Federal benefit programs and similar State
23 benefit programs;

24 “(C) an assurance that the State will meet
25 the requirements of section 499D(b)(1) relating

1 to the alignment of secondary and postsec-
2 ondary education; and

3 “(D) an assurance that the State will meet
4 the requirements of section 499D(b)(2) relating
5 to the improvement of transfer pathways be-
6 tween institutions of higher education; and

7 “(10) an assurance that the State or eligible
8 Tribal College or University will clearly communicate
9 to prospective students, including students with
10 prior college experience who have not completed a
11 postsecondary degree or credential, their families,
12 and the general public—

13 “(A) plans to implement the program
14 funded under this subpart; and

15 “(B) how eligible students can attend a
16 community college operated or controlled by the
17 State or eligible Tribal College or University
18 without paying tuition and fees.

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

20 “(a) GENERAL REQUIREMENTS.—As a condition of
21 receiving a grant under this subpart, a State or eligible
22 Tribal College or University shall meet the following re-
23 quirements:

24 “(1) Ensure that the total amount of tuition
25 and fees charged to an eligible student in the State

1 or the eligible Tribal College or University shall be
2 \$0.

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

6 “(3) The State or eligible Tribal College or
7 University may not use any funds provided under
8 this subpart for administrative purposes relating to
9 such grant.

10 “(b) STATE REQUIREMENTS.—In addition to the re-
11 quirements under subsection (a), as a condition of receiv-
12 ing a grant under this subpart, a State shall meet the fol-
13 lowing requirements:

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

16 “(A) IN GENERAL.—The State shall—

17 “(i) submit a plan to align the re-
18 quirements for receiving a regular high
19 school diploma from public schools in the
20 State with the requirements for entering
21 credit-bearing coursework at community
22 colleges in such State; and

23 “(ii) not later than 3 years after the
24 date on which the State first receives a
25 grant under this subpart, certify to the

1 Secretary that such alignment has been
2 achieved.

3 “(B) FAILURE TO CERTIFY.—If a State
4 does not provide the certification required
5 under subparagraph (A) by the date specified in
6 such subparagraph, the State shall submit to
7 the Secretary, at such time and in such manner
8 as the Secretary may require—

9 “(i) a written explanation for the
10 delay in making the certification; and

11 “(ii) a plan that will enable the State
12 to make the certification by not later than
13 5 years after the date on which the State
14 first received a grant under this subpart.

15 “(2) TRANSFER PATHWAYS.—

16 “(A) IN GENERAL.—The State shall—

17 “(i) submit a plan, developed in col-
18 laboration with faculty from institutions of
19 higher education in the State, to improve
20 transfer pathways between institutions of
21 higher education in the State, including
22 by—

23 “(I) ensuring that associate de-
24 grees awarded by community colleges
25 in the State are fully transferable to,

1 and credited as, the first 2 years of
2 related baccalaureate programs at
3 public institutions of higher education
4 in such State;

5 “(II) increasing the transfer-
6 ability of individual courses within the
7 certificate or associate programs of-
8 fered by community colleges in the
9 State to related baccalaureate pro-
10 grams offered by institutions of higher
11 education in such State to maximize
12 the transferability of credits for stu-
13 dents who transfer before completing
14 an associate degree;

15 “(III) expanding the use of re-
16 verse transfer policies that allow insti-
17 tutions to—

18 “(aa) implement the process
19 of retroactively granting a certifi-
20 cate or associate degree to stu-
21 dents who had not completed the
22 requirements for such certificate
23 or degree before they transferred;
24 and

1 “(bb) allow academic credits
2 for coursework completed at a 4-
3 year institution to be applied to a
4 previously attended community
5 college for the purpose of obtain-
6 ing an associate degree or a cer-
7 tificate; and

8 “(IV) ensuring that students at-
9 tending community colleges in the
10 State have access to comprehensive
11 counseling regarding the process for
12 transferring to a 4-year institution of
13 higher education; and

14 “(ii) not later than 3 years after the
15 date on which the State first receives a
16 grant under this subpart, certify to the
17 Secretary that the State is carrying out
18 the plan submitted in accordance with
19 clause (i) and is meeting the requirements
20 of subclauses (I) through (IV) of such
21 clause.

22 “(B) FAILURE TO CERTIFY.—If a State
23 does not provide the certification required
24 under subparagraph (A) by the date specified in
25 such subparagraph, the State shall submit to

1 the Secretary, at such time and in such manner
2 as the Secretary may require—

3 “(i) a written explanation for the
4 delay in making the certification; and

5 “(ii) a plan that will enable the State
6 to make the certification by not later than
7 5 years after the date on which the State
8 first received a grant under this subpart.

9 “(3) APPLICABILITY.—The Secretary may not
10 apply the requirements under this subsection to an
11 eligible Tribal College or University.

12 “(c) STATE MAINTENANCE OF EFFORT.—A State re-
13 ceiving a grant under this subpart shall be entitled to re-
14 ceive its full allotment of funds under this subpart for a
15 fiscal year only if, for each year of the grant, the State
16 provides—

17 “(1) State fiscal support for higher education
18 per full-time equivalent student at a level equal to or
19 exceeding the average amount of State fiscal support
20 for higher education per full-time equivalent student
21 provided for the 3 consecutive preceding fiscal years;

22 “(2) financial support for operating expenses
23 (excluding capital expenses and research and devel-
24 opment costs) for public 4-year institutions of higher
25 education at a level equal to or exceeding the aver-

1 age amount provided for the 3 consecutive preceding
2 State fiscal years; and

3 “(3) financial support for need-based financial
4 aid at a level equal to or exceeding the average
5 amount provided for the 3 consecutive preceding
6 State fiscal years.

7 “(d) NO ADDITIONAL ELIGIBILITY REQUIRE-
8 MENTS.—A State or eligible Tribal College or University
9 that receives a grant under this subpart may not impose
10 additional eligibility requirements on eligible students
11 other than the requirements under this subpart.

12 “(e) ELIGIBILITY FOR BENEFITS.—No individual
13 shall be determined to be ineligible to receive benefits pro-
14 vided under this subpart (including tuition and fees set
15 to \$0 and other aid provided under this subpart) on the
16 basis of citizenship, alienage, or immigration status.

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

18 “(a) IN GENERAL.—Except as provided in subsection
19 (b), a State or eligible Tribal College or University shall
20 use a grant under this subpart only to ensure that the
21 total amount of tuition and fees charged to an eligible stu-
22 dent in the State or the eligible Tribal College or Univer-
23 sity shall be \$0.

24 “(b) ADDITIONAL USES.—If a State or an eligible
25 Tribal College or University demonstrates to the Secretary

1 that the State or eligible Tribal College or University has
2 grant funds remaining after meeting the demand for ac-
3 tivities described in subsection (a), the State or eligible
4 Tribal College or University may use those funds to carry
5 out 1 or more of the following:

6 “(1) Providing need-based financial aid to stu-
7 dents that may be used by such students to pay any
8 component of cost of attendance, as defined under
9 section 472.

10 “(2) Improving student outcomes by imple-
11 menting evidence-based institutional reforms or
12 practices.

13 “(3) Enhancing the quality and equity of public
14 higher education to improve student outcomes, in-
15 cluding transfer and completion rates and labor
16 market outcomes.

17 “(4) Investing in and diversifying the academic
18 workforce.

19 “(5) Expanding the scope and capacity of high-
20 quality academic and occupational skills training
21 programs at community colleges, which may include
22 collaboration with one or more industry or sector
23 partnerships (as defined in section 3 of the Work-
24 force Innovation and Opportunity Act (29 U.S.C.
25 3201)).

1 “(6) Improving postsecondary education readi-
2 ness in the State, including through outreach and
3 early intervention.

4 “(7) Expanding access to dual or concurrent
5 enrollment programs, such as early college high
6 school programs.

7 “(8) Reducing unmet need at public 4-year in-
8 stitutions of higher education.

9 “(c) USE OF FUNDS FOR ADMINISTRATIVE PUR-
10 POSES.—A State or Tribal College or University that re-
11 ceives a grant under this subpart may not use any funds
12 provided under this subpart for administrative purposes
13 relating to such grant.

14 “(d) SUPPLEMENT, NOT SUPPLANT.—Funds made
15 available under this subpart shall be used to supplement,
16 and not supplant, other Federal, State, tribal, and local
17 funds that would otherwise be expended to carry out ac-
18 tivities described in this section.

19 “(e) REPORT REQUIREMENTS.—

20 “(1) REPORTING BY STATES .—A State receiv-
21 ing a grant under this subpart shall submit to the
22 Secretary an annual report that shall include—

23 “(A) the uses of grant funds under this
24 subpart;

1 “(B) the progress made in fulfilling the re-
2 quirements of the grant;

3 “(C) the rates of transfer, graduation, and
4 attainment of recognized postsecondary creden-
5 tials at participating community colleges,
6 disaggregated by race, income, and age; and

7 “(D) any other information that the Sec-
8 retary may require.

9 “(2) REPORTING BY SECRETARY.—The Sec-
10 retary shall, on an annual basis—

11 “(A) compile and analyze the information
12 described in paragraph (1); and

13 “(B) prepare and submit to the author-
14 izing committees a report containing—

15 “(i) the analysis described in subpara-
16 graph (A); and

17 “(ii) an identification of State and
18 best practices for achieving the purpose of
19 this subpart.

20 “(f) TECHNICAL ASSISTANCE.—The Secretary shall
21 provide technical assistance to States and eligible Tribal
22 Colleges and Universities concerning best practices re-
23 garding the promising and evidence-based institutional re-
24 forms and innovative practices to improve student out-

1 comes and shall disseminate such best practices among
2 such entities.

3 “(g) CONTINUATION OF FUNDING.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), a State or an eligible Tribal College or
6 University receiving a grant under this subpart for
7 a fiscal year may continue to receive funding under
8 this subpart for future fiscal years conditioned on
9 the availability of budget authority and on meeting
10 the requirements of the grant, as determined by the
11 Secretary.

12 “(2) DISCONTINUATION.—The Secretary may
13 discontinue funding of the Federal share of a grant
14 under this subpart if the State or eligible Tribal Col-
15 lege or University has violated the terms of the
16 grant or is not making adequate progress in imple-
17 menting the reforms described in the application
18 submitted under section 499C.

19 “(h) RULE OF CONSTRUCTION REGARDING BIE
20 FUNDS.—Nothing in this subpart shall be construed to
21 impact the availability of funds from, or uses of funds pro-
22 vided by, the Bureau of Indian Education for Tribal Col-
23 leges and Universities.

1 **“SEC. 499F. AUTOMATIC STABILIZERS FOR AMERICA’S COL-**
 2 **LEGE PROMISE.**

3 “(a) MAINTENANCE OF EFFORT RELIEF.—Notwith-
 4 standing subsection (c) of section 499D, a State that
 5 meets the qualifying spending requirements may request
 6 a waiver of the requirements under such subsection (c).
 7 The Secretary shall waive the requirements of such sub-
 8 section (c) for a State that makes a qualifying request
 9 under this subsection as follows:

10 “(1) TIER I.—With respect to each State eligi-
 11 ble for relief under tier I, such requirements shall be
 12 waived for the fiscal year succeeding the fiscal year
 13 in which the determination of the State’s eligibility
 14 for such relief is made.

15 “(2) TIERS II THROUGH V.—With respect to
 16 each State eligible for relief under tier II, III, IV,
 17 or V, such requirements shall be waived, in accord-
 18 ance with subsection (d), for—

19 “(A) the fiscal year in which the deter-
 20 mination of the State’s eligibility for such relief
 21 is made;

22 “(B) the fiscal year succeeding the fiscal
 23 year described in subparagraph (A); or

24 “(C) both such fiscal years.

25 “(b) STATE SHARE RELIEF.—

1 “(1) STATE MATCH RELIEF.—Notwithstanding
2 subsection (b) of section 499B, a State that is eligi-
3 ble for relief under tier II, III, IV, or V may request
4 relief with respect to the requirements of such sub-
5 section (b). The Secretary shall provide relief from
6 the requirements of such subsection (b), for the ap-
7 plicable fiscal year or years, for a State that makes
8 a qualifying request under this paragraph as follows:

9 “(A) TIER II.—With respect to a State
10 that is eligible for relief under tier II, the Sec-
11 retary shall—

12 “(i) apply section 499B(a)(1)(B)(v)
13 by substituting ‘85 percent’ for ‘80 per-
14 cent’; and

15 “(ii) apply section 499B(b)(1)(B)(v)
16 by substituting ‘15 percent’ for ‘20 per-
17 cent’.

18 “(B) TIER III.—With respect to a State
19 that is eligible for relief under tier III, the Sec-
20 retary shall—

21 “(i) apply section 499B(a)(1)(B)(v)
22 by substituting ‘90 percent’ for ‘80 per-
23 cent’;

1 “(ii) apply section 499B(b)(1)(B)(v)
2 by substituting ‘10 percent’ for ‘20 per-
3 cent’;

4 “(iii) apply section 499B(a)(1)(B)(iv)
5 by substituting ‘90 percent’ for ‘85 per-
6 cent’; and

7 “(iv) apply section 499B(b)(1)(B)(iv)
8 by substituting ‘10 percent’ for ‘15 per-
9 cent’

10 “(C) TIER IV.—With respect to a State
11 that is eligible for relief under tier IV, the Sec-
12 retary shall—

13 “(i) apply section 499B(a)(1)(B)(v)
14 by substituting 95 percent’ for ‘80 per-
15 cent’;

16 “(ii) apply section 499B(b)(1)(B)(v)
17 by substituting ‘5 percent’ for ‘20 percent’;

18 “(iii) apply section 499B(a)(1)(B)(iv)
19 by substituting ‘95 percent’ for ‘85 per-
20 cent’;

21 “(iv) apply section 499B(b)(1)(B)(iv)
22 by substituting ‘5 percent’ for ‘15 percent’;

23 “(v) apply section 499B(a)(1)(B)(iii)
24 by substituting ‘95 percent’ for ‘90 per-
25 cent’; and

1 “(vi) apply section 499B(b)(1)(B)(iii)
2 by substituting ‘5 percent’ for ‘10 percent’.

3 “(D) TIER V.—With respect to a State
4 that is eligible for relief under tier V, the Sec-
5 retary shall—

6 “(i) apply section 499B(a)(1)(B)(v)
7 by substituting 100 percent’ for ‘80 per-
8 cent’;

9 “(ii) apply section 499B(b)(1)(B)(v)
10 by substituting ‘0 percent’ for ‘20 percent’;

11 “(iii) apply section 499B(a)(1)(B)(iv)
12 by substituting ‘100 percent’ for ‘85 per-
13 cent’;

14 “(iv) apply section 499B(b)(1)(B)(iv)
15 by substituting ‘0 percent’ for ‘15 percent’;

16 “(v) apply section 499B(a)(1)(B)(iii)
17 by substituting ‘100 percent’ for ‘90 per-
18 cent’;

19 “(vi) apply section 499B(b)(1)(B)(iii)
20 by substituting ‘0 percent’ for ‘10 percent’;

21 “(vii) apply section 499B(a)(1)(B)(ii)
22 by substituting ‘100 percent’ for ‘95 per-
23 cent’; and

24 “(viii) apply section 499B(b)(1)(B)(ii)
25 by substituting ‘0 percent’ for ‘5 percent’.

1 “(2) APPLICABLE FISCAL YEARS.—With respect
2 to each State eligible for relief under tier II, III, IV,
3 or V, the Secretary shall provide the relief under
4 paragraph (1), in accordance with subsection (d),
5 for—

6 “(A) the fiscal year in which the deter-
7 mination of the State’s eligibility for such relief
8 is made;

9 “(B) the fiscal year succeeding the fiscal
10 year described in subparagraph (A); or

11 “(C) both such fiscal years.

12 “(c) STATE ELIGIBILITY.—A State’s eligibility for re-
13 lief under this section shall be determined as follows:

14 “(1) TIER I.—A State shall be eligible for relief
15 under tier I for a fiscal year in which—

16 “(A)(i) the State was in an elevated unem-
17 ployment period at any point in the fiscal year;
18 or

19 “(ii) the Nation as a whole was in an ele-
20 vated unemployment period at any point in the
21 fiscal year; and

22 “(B) the State is not eligible for relief
23 under any other tier.

24 “(2) TIER II.—A State shall be eligible for re-
25 lief under tier II for a fiscal year in which—

1 “(A)(i) the State average unemployment
2 rate was equal to or greater than 6.5 percent
3 but less than 7.5 percent at any point in the
4 fiscal year; or

5 “(ii) the national average unemployment
6 rate is equal to or greater than 6.5 percent but
7 less than 7.5 percent at any point in the fiscal
8 year; and

9 “(B) the State is not eligible for relief
10 under tier III, IV, or V.

11 “(3) TIER III.—A State shall be eligible for re-
12 lief under tier III for a fiscal year in which—

13 “(A)(i) the State average unemployment
14 rate was equal to or greater than 7.5 percent
15 but less than 8.5 percent at any point in the
16 fiscal year; or

17 “(ii) the national average unemployment
18 rate is equal to or greater than 7.5 percent but
19 less than 8.5 percent at any point in the fiscal
20 year; and

21 “(B) the State is not eligible for relief
22 under tier IV or V.

23 “(4) TIER IV.—A State shall be eligible for re-
24 lief under tier IV for a fiscal year in which—

1 “(A)(i) the State average unemployment
2 rate was equal to or greater than 8.5 percent
3 but less than 9.5 percent at any point in the
4 fiscal year; or

5 “(ii) the national average unemployment
6 rate is equal to or greater than 8.5 percent but
7 less than 9.5 percent at any point in the fiscal
8 year; and

9 “(B) the State is not eligible for relief
10 under tier V.

11 “(5) TIER V.—A State shall be eligible for relief
12 under tier V for a fiscal year in which—

13 “(A) the State average unemployment rate
14 was equal to or greater than 9.5 percent at any
15 point in the fiscal year; or

16 “(B) the national average unemployment
17 rate is equal to or greater than 9.5 percent at
18 any point in the fiscal year.

19 “(d) DISCRETION IN THE PROVISION OF RELIEF.—
20 In determining the fiscal years for which to provide relief
21 in accordance with subsections (a)(2) and (b) to a State
22 that is eligible under tier II, III, IV, or V, the Secretary
23 shall take into account the following:

1 “(1) In the case of a State that requests relief
2 under subsection (a)(2), the fiscal years for which
3 the State requests such relief, including—

4 “(A) if the State requests such relief for
5 the fiscal year for which the determination of
6 the State’s eligibility for such relief is made, the
7 amount by which the State is unable to meet
8 the requirements of section 499D(c) for such
9 fiscal year; and

10 “(B) if the State requests such relief for
11 the fiscal year succeeding the year described in
12 subparagraph (A), the amount by which the
13 State anticipates being unable to meet such re-
14 quirements for such succeeding fiscal year.

15 “(2) In the case of a State that requests relief
16 under subsection (b), the fiscal years for which the
17 State requests such relief, including—

18 “(A) if the State requests such relief for
19 the fiscal year for which the determination of
20 the State’s eligibility for such relief is made, the
21 extent to which the State is unable to meet the
22 requirements of section 499B(b) for such fiscal
23 year; and

24 “(B) if the State requests such relief for
25 the fiscal year succeeding the year described in

1 subparagraph (A), the extent to which the State
2 anticipates being unable to meet such require-
3 ments for such succeeding fiscal year.

4 “(3) The actual or anticipated timing, severity,
5 and duration of the unemployment rate increase
6 during—

7 “(A) the fiscal year for which the deter-
8 mination of the State’s eligibility for such relief
9 is made;

10 “(B) the fiscal year succeeding the fiscal
11 year described in subparagraph (A); and

12 “(C) the fiscal year preceding the fiscal
13 year described in subparagraph (A).

14 “(4) Other factors determined to be relevant by
15 the Secretary.

16 “(e) CONTINUED PAYMENT TO EMPLOYEES.—A
17 State that receives relief under subsection (a) or (b) shall,
18 to the greatest extent practicable, continue to pay its em-
19 ployees of, and contractors with, public institutions of
20 higher education in the State during the period in which
21 the State is receiving such relief.

22 “(f) DEFINITIONS.—In this section:

23 “(1) ELEVATED UNEMPLOYMENT PERIOD.—
24 The term ‘elevated unemployment period’—

1 “(A) when used with respect to the Nation
2 as a whole, means a consecutive, 3-month pe-
3 riod in a fiscal year in which the national aver-
4 age unemployment rate is not less than 0.5 per-
5 centage points above the lowest national aver-
6 age unemployment rate for the 12-month period
7 preceding such 3-month period; and

8 “(B) when used with respect to a State,
9 means a consecutive, 3-month period in a fiscal
10 year in which the State average unemployment
11 rate is not less than 0.5 percentage points
12 above the lowest State average unemployment
13 rate for the 12-month period preceding such 3-
14 month period.

15 “(2) QUALIFYING SPENDING REQUIREMENTS.—

16 The term ‘qualifying spending requirements’ means
17 the requirements that a State not disproportionately
18 decrease spending for any of the categories described
19 in paragraphs (1) through (3) of section 499D(c)
20 relative to such State’s overall, average decrease in
21 spending for the 3 consecutive preceding fiscal years.

22 “(3) NATIONAL AVERAGE UNEMPLOYMENT
23 RATE.—The term ‘national average unemployment
24 rate’ means the average (seasonally adjusted) rate of
25 total unemployment in all States for a consecutive,

1 3-month period in a fiscal year, based on data from
2 the Bureau of Labor Statistics of the Department of
3 Labor.

4 “(4) STATE AVERAGE UNEMPLOYMENT RATE.—
5 The term ‘State average unemployment rate’ means
6 the average (seasonally adjusted) rate of total unem-
7 ployment in a State for a consecutive, 3-month pe-
8 riod in a fiscal year, based on data from the Bureau
9 of Labor Statistics of the Department of Labor.

10 **“SEC. 499G. APPROPRIATIONS.**

11 “There are authorized to be appropriated, and there
12 are appropriated to carry out this subpart (in addition to
13 any other amounts appropriated to carry out this subpart
14 and out of any money in the Treasury not otherwise ap-
15 propriated), such sums as may be necessary for fiscal year
16 2024 and each succeeding fiscal year.

17 **“SEC. 499H. DEFINITIONS.**

18 “In this subpart:

19 “(1) APPRENTICESHIP.—The term ‘apprentice-
20 ship’ means an apprenticeship program registered
21 under the Act of August 16, 1937 (commonly known
22 as the ‘National Apprenticeship Act’; 50 Stat. 664,
23 chapter 663; 29 U.S.C. 50 et seq.).

24 “(2) 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 “(3) COMMUNITY COLLEGE.—The term ‘com-
4 munity college’ means—

5 “(A) a degree-granting public institution of
6 higher education at which—

7 “(i) the highest degree awarded is an
8 associate degree; or

9 “(ii) an associate degree is the pre-
10 dominant degree awarded;

11 “(B) an eligible Tribal College or Univer-
12 sity;

13 “(C) a degree-granting branch campus of a
14 4-year public institution of higher education if,
15 at such branch campus—

16 “(i) the highest degree awarded is an
17 associate degree; or

18 “(ii) an associate degree is the pre-
19 dominant degree awarded; or

20 “(D) at the designation of the Secretary,
21 in the case of a State that does not operate or
22 control any institution that meets a definition
23 under subparagraph (A) or (C), a college or
24 similarly defined and structured academic enti-
25 ty—

1 “(i) that was in existence on July 1,
2 2021;

3 “(ii) within a 4-year public institution
4 of higher education; and

5 “(iii) at which—

6 “(I) the highest degree awarded
7 is an associate degree; or

8 “(II) an associate degree is the
9 predominant degree awarded.

10 “(4) 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.

15 “(5) 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.

19 “(6) ELIGIBLE STUDENT.—The term ‘eligible
20 student’ means a student who—

21 “(A) is enrolled as an undergraduate stu-
22 dent in an eligible program (as defined in sec-
23 tion 481(b)) at a community college on not less
24 than a half-time basis;

1 “(B) in the case of a student who is en-
2 rolled in a community college that charges dif-
3 ferent tuition rates on the basis of in-State or
4 in-district residency, either—

5 “(i) qualifies for in-State or in-district
6 resident community college tuition; or

7 “(ii) would qualify for such in-State
8 or in-district resident tuition at such com-
9 munity college, but for the immigration
10 status of such student; and

11 “(C) has not been enrolled (whether full-
12 time or less than full-time) for more than 6 se-
13 mesters (or the equivalent) for which commu-
14 nity college tuition and fees of the student were
15 set to \$0 pursuant to section 499D(a);

16 “(D) is not enrolled in a dual or concur-
17 rent enrollment program or early college high
18 school; and

19 “(E) in the case of a student who is a
20 United States citizen, has filed a FAFSA de-
21 scribed in section 483 for the applicable award
22 year for which the student is enrolled.

23 “(7) ELIGIBLE TRIBAL COLLEGE OR UNIVER-
24 SITY.—The term ‘eligible Tribal College or Univer-
25 sity’ means—

1 “(A) a 2-year Tribal College or University;

2 or

3 “(B) a degree-granting Tribal College or

4 University—

5 “(i) at which the highest degree
6 awarded is an associate degree; or

7 “(ii) an associate degree is the pre-
8 dominant degree awarded.

9 “(8) EVIDENCE-BASED INSTITUTIONAL RE-
10 FORMS AND INNOVATIVE PRACTICES.—The term
11 ‘evidence-based institutional reforms and innovative
12 practices’ means practices or reforms that meet the
13 criteria for ‘evidence tier 1’ and ‘evidence tier 2’
14 under section 4611(a)(2) of the Elementary and
15 Secondary Education Act of 1965, as determined by
16 the Secretary in accordance with such section.

17 “(9) INSTITUTION OF HIGHER EDUCATION.—
18 The term ‘institution of higher education’ has the
19 meaning given the term in section 101.

20 “(10) MEANS-TESTED FEDERAL BENEFIT PRO-
21 GRAM.—The term ‘means-tested Federal benefit pro-
22 gram’ has the meaning given the term in section
23 479.

24 “(11) RECOGNIZED POSTSECONDARY CREDEN-
25 TIAL.—The term ‘recognized postsecondary creden-

1 tial’ has the meaning given the term in section 3 of
2 the Workforce Innovation and Opportunity Act (29
3 U.S.C. 3102).

4 “(12) STATE FISCAL SUPPORT FOR HIGHER
5 EDUCATION.—

6 “(A) INCLUSIONS.—

7 “(i) IN GENERAL.—Except as pro-
8 vided in subparagraph (B), the term ‘State
9 fiscal support for higher education’, used
10 with respect to a State for a fiscal year,
11 means an amount that is equal to—

12 “(I) the gross amount of applica-
13 ble State funds appropriated or dedi-
14 cated, and expended by the State, in-
15 cluding funds from lottery receipts, in
16 the fiscal year, that are used to sup-
17 port institutions of higher education
18 and student financial aid for higher
19 education in the State; and

20 “(II) any funds described in
21 clause (ii).

22 “(ii) LOCAL FUNDS.—In the case of a
23 State that includes, as part of the State
24 share under section 499B(b)(2)(B) for an
25 award year, funds provided to community

1 colleges by local governments in such State
2 for the purpose of carrying out this sub-
3 part, local funds provided to community
4 colleges operated or controlled by such
5 State for operating expenses (excluding
6 capital expenses and research and develop-
7 ment costs) shall be included in the cal-
8 culation of the State fiscal support for
9 higher education for such award year
10 under clause (i).

11 “(B) EXCLUSIONS.—State fiscal support
12 for higher education for a State for a fiscal
13 year shall not include—

14 “(i) funds described in subparagraph
15 (A)(i) that are returned to the State;

16 “(ii) State-appropriated funds derived
17 from Federal sources, including funds pro-
18 vided under section 499B(b) and section
19 499J(b);

20 “(iii) funds that are included in the
21 State share under section 499B(b) (except
22 as provided in subparagraph (A)(ii) of this
23 paragraph), including funds included in
24 the State share in accordance with para-
25 graph (2)(A) of such section;

1 “(iv) amounts that are portions of
2 multiyear appropriations to be distributed
3 over multiple years that are not to be
4 spent for the year for which the calculation
5 under this paragraph is being made, sub-
6 ject to subparagraph (C);

7 “(v) tuition, fees, or other educational
8 charges paid directly by a student to a
9 public institution of higher education or to
10 the State;

11 “(vi) funds for—

12 “(I) financial aid to students at-
13 tending, or operating expenses of—

14 “(aa) out-of-State institu-
15 tions of higher education;

16 “(bb) proprietary institu-
17 tions of higher education (as de-
18 fined in section 102(b)); or

19 “(cc) institutions of higher
20 education not accredited by an
21 agency or association recognized
22 by the Secretary pursuant to sec-
23 tion 496;

24 “(II) financial aid to students
25 awarded predominantly on the basis

1 of merit, including programs awarded
2 on the basis of predicted or actual
3 academic performance or assessment;

4 “(III) research and development;

5 “(IV) hospitals, athletics, or
6 other auxiliary enterprises; or

7 “(V) corporate or other private
8 donations directed to 1 or more insti-
9 tutions of higher education permitted
10 to be expended by the State; or

11 “(vi) any other funds that the Sec-
12 retary determines shall not be included in
13 the calculation of State fiscal support for
14 higher education for such State.

15 “(C) ADJUSTMENTS FOR BIENNIAL APPRO-
16 PRIATIONS.—The Secretary shall take into con-
17 sideration any adjustments to the calculations
18 under this paragraph that may be required to
19 accurately reflect State fiscal support for higher
20 education in States with biennial appropriation
21 cycles.

22 “(13) STATE FISCAL SUPPORT FOR HIGHER
23 EDUCATION PER FULL-TIME EQUIVALENT STU-
24 DENT.—The term ‘State fiscal support for higher
25 education per full-time equivalent student’, when

1 used with respect to a State for a fiscal year, means,
2 the amount that is equal to—

3 “(A) the State fiscal support for higher
4 education for the previous fiscal year; divided
5 by

6 “(B) the number of full-time equivalent
7 students enrolled in public institutions of higher
8 education in such State for such previous fiscal
9 year.

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

13 **TITLE II—STUDENT SUCCESS**
14 **FUND**

15 **SEC. 201. STUDENT SUCCESS FUND.**

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 101,
18 is further amended by adding at the end the following:

19 **“Subpart 2—Student Success Fund**

20 **“SEC. 499I. IN GENERAL.**

21 “(a) IN GENERAL.—From amounts appropriated
22 under section 499O for any fiscal year, the Secretary shall
23 carry out a grant program (to be known as the ‘Student
24 Success Fund’) to make grants to eligible entities to carry
25 out the activities and services described in section 499L.

1 “(b) PRIORITY.—In awarding funds under this sub-
2 part, the Secretary shall give priority to eligible entities
3 that propose to use a significant share of grant funds to
4 improve enrollment, retention, transfer, or completion
5 rates or labor market outcomes among students of color,
6 low-income students, students with disabilities, students in
7 need of remediation, first generation college students, stu-
8 dent parents, and other underserved student populations.

9 **“SEC. 499J. FEDERAL SHARE AND MATCHING FUNDS.**

10 “(a) FEDERAL SHARE.—

11 “(1) FORMULA REQUIREMENTS.—The Federal
12 share of a grant under this subpart shall be based
13 on a formula, developed by the Secretary, that ac-
14 counts for—

15 “(A) the State or Tribal College or Univer-
16 sity relative share of eligible students, as deter-
17 mined in accordance with section 499B(c);

18 “(B) the State or Tribal College or Univer-
19 sity relative share of Federal Pell Grant recipi-
20 ents; and

21 “(C) the ratio between a State or Tribal
22 College or University funding per full-time
23 equivalent (FTE) student at public institutions
24 of higher education and the average net price at
25 public 4-year institutions of higher education, in

1 such a way as to reward States and Indian
2 tribes that keep net prices for students low
3 while maintaining their fiscal support for higher
4 education.

5 “(2) FORMULA PUBLISHED BEFORE APPLICA-
6 TION DEADLINE.—The Secretary shall—

7 “(A) develop the formula described in
8 paragraph (1);

9 “(B) calculate estimated allotments for
10 each eligible entity under such formula; and

11 “(C) publish such formula and estimated
12 allotments not later than the date of the notice
13 soliciting applications for participation in the
14 program under this subpart.

15 “(b) MATCHING FUNDS.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), an eligible entity participating in the pro-
18 gram under this subpart shall provide, from non-
19 Federal sources, in cash or in-kind—

20 “(A) in each of the first, second, third, and
21 fourth years of participation in the program, an
22 amount equal to 25 percent of the amount such
23 entity received under subsection (a) with re-
24 spect to such year;

1 “(B) in each of the fifth and sixth years of
2 participation in the program, an amount equal
3 to 50 percent of the amount such entity re-
4 ceived under subsection (a) with respect to such
5 year;

6 “(C) in each of the seventh and eighth
7 years of participation in the program, an
8 amount equal to 75 percent of the amount such
9 entity received under subsection (a) with re-
10 spect to such year; and

11 “(D) in the ninth year and each subse-
12 quent year thereafter of participation in the
13 program, an amount equal to 100 percent of
14 the amount such entity received under sub-
15 section (a) with respect to such year.

16 “(2) EXCEPTION FOR TRIBAL COLLEGES AND
17 UNIVERSITIES.—The Secretary may modify or waive
18 the matching fund requirements under paragraph
19 (1) in the case of an eligible entity that is a Tribal
20 College or University.

21 “(3) REALLOTMENT.—If an eligible entity re-
22 turns to the Secretary any portion of the grant
23 amount provided to such eligible entity under this
24 subpart for any fiscal year, or requests a grant
25 amount that is less than the Federal share deter-

1 mined for such entity in accordance with subsection
2 (a), the Secretary shall reallocate such excess amount
3 for the succeeding fiscal year, in addition to the
4 amounts appropriated under 4990 for such suc-
5 ceeding fiscal year.

6 “(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds
7 awarded under this subpart shall be used to supplement,
8 and not supplant, other Federal, State, tribal, and local
9 funds that would otherwise be expended to carry out ac-
10 tivities assisted under this subpart.

11 **“SEC. 499K. APPLICATIONS.**

12 “(a) IN GENERAL.—To be eligible to participate in
13 the program under this subpart, an eligible entity shall
14 submit an application to the Secretary at such time, in
15 such manner, and containing such information as the Sec-
16 retary may require, including—

17 “(1) a plan that includes—

18 “(A) the amount of funds requested by the
19 eligible entity under this subpart and the in-
20 tended use of such funds;

21 “(B) how the eligible entity will use the re-
22 quested funds to implement promising and evi-
23 dence-based institutional reforms and innovative
24 practices to improve student outcomes, includ-
25 ing—

1 “(i) implementation of the reforms
2 and practices identified by such entity
3 under section 499C(b)(4); and

4 “(ii) annual implementation bench-
5 marks that the entity will use to track
6 progress in implementing such reforms and
7 practices;

8 “(C) if the eligible entity is a State, how
9 such eligible entity will support the scaling of
10 evidence-based and innovative initiatives sys-
11 tem-wide;

12 “(D) how the eligible entity will meet its
13 matching fund requirements under section
14 499J(b);

15 “(E) if the eligible entity is a State, how
16 such eligible entity will prioritize spending on
17 the public institutions of higher education speci-
18 fied in paragraph (2)(B); and

19 “(F) the improvements the eligible entity
20 anticipates in student outcomes, including im-
21 provements in transfer rates or completion
22 rates, or both; and

23 “(2) if the eligible entity is a State, an analysis
24 that includes—

1 “(A) with respect to each public institution
2 of higher education of the eligible entity—

3 “(i) the total per-student funding;

4 “(ii) the amount of per-student fund-
5 ing from State-appropriated funds;

6 “(iii) the student demographics (in-
7 cluding data on race, income, disability
8 status, and remediation); and

9 “(iv) transfer and completion rates,
10 including such rates among low-income
11 students, students of color, students with
12 disabilities, and students in need of reme-
13 diation; and

14 “(B) whether, of the public institutions of
15 higher education of the eligible entity, the pub-
16 lic institutions of higher education that received
17 less funding on a per-student basis described in
18 clause (i) or (ii), or both, of subparagraph (A),
19 are serving disproportionately high shares of
20 low-income students, students of color, students
21 with disabilities, or students in need of remedi-
22 ation.

23 “(b) APPROVAL.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after receiving a plan under subsection (a), the Sec-
3 retary shall—

4 “(A) approve the plan; or

5 “(B) require revisions to such plan.

6 “(2) REVISIONS REQUIRED.—An eligible entity
7 shall make such revisions as required by the Sec-
8 retary under paragraph (1)(B).

9 “(c) PUBLICATION.—The Secretary shall make each
10 plan approved under subsection (b)(1)(A) and each plan
11 revised under subsection (b)(2) available to the public on
12 the website of the Department.

13 **“SEC. 499L. PROGRAM REQUIREMENTS.**

14 “(a) GENERAL REQUIREMENTS.—

15 “(1) REPORT ON DEMONSTRATED PROGRESS.—

16 For the third year in which an eligible entity partici-
17 pates in the program under this subpart, and every
18 2 years thereafter, the eligible entity shall submit a
19 report to the Secretary, in such manner and con-
20 taining such information as the Secretary may re-
21 quire, that includes—

22 “(A) the progress in meeting the annual
23 implementation benchmarks included in the ap-
24 plication of such eligible entity under section
25 499K(a)(1)(B);

1 “(B) the progress in improving the student
2 outcomes identified by the entity under section
3 499K(a)(1)(F); and

4 “(C) with respect to the 2 years after such
5 report is submitted—

6 “(i) a plan for the use of funds under
7 this subpart; and

8 “(ii) the amount of funds requested
9 by the eligible entity under this subpart.

10 “(2) APPROVAL.—Not later than 180 days
11 after receiving a plan under paragraph (1)(C)(i), the
12 Secretary shall—

13 “(A) approve the plan; or

14 “(B) require revisions to such plan.

15 “(3) REVISIONS REQUIRED.—An eligible entity
16 shall make such revisions as required by the Sec-
17 retary under paragraph (2)(B).

18 “(b) FAILURE TO MEET REQUIREMENTS.—If an eli-
19 gible entity does not meet the annual implementation
20 benchmarks included in the application of such eligible en-
21 tity under section 499K(a)(1)(B), as required to be re-
22 ported under subsection (a)(1)(A), such eligible entity
23 shall submit to the Secretary, at such time and in such
24 manner as the Secretary may require—

1 “(1) a written explanation for the delay in
2 meeting such requirements; and

3 “(2) a plan that will enable such eligible entity
4 to meet such requirements not later than 1 year
5 after the date on which the eligible entity submitted
6 the written explanation under paragraph (1).

7 “(c) PUBLICATION.—The Secretary shall make each
8 plan approved under subsection (a)(2)(A), each plan re-
9 vised under subsection (a)(3), and each plan submitted
10 under subsection (b)(2) available to the public on the
11 website of the Department.

12 **“SEC. 499M. ALLOWABLE USES OF FUNDS.**

13 “(a) IN GENERAL.—Except as provided in subsection
14 (b), an eligible entity shall use a grant under this subpart
15 only to carry out the plan approved or revised for such
16 year under section 499K.

17 “(b) USE OF FUNDS FOR ADMINISTRATIVE PUR-
18 POSES.—An eligible entity that receives a grant under this
19 subpart may use not more than 5 percent of such grant
20 for administrative purposes relating to the grant under
21 this subpart.

22 “(c) PROHIBITED USES OF FUNDS.—No funds re-
23 ceived under this section shall be used to—

1 “(1) pay contractors for the provision of pre-en-
2 rollment recruitment activities through a revenue
3 sharing agreement; or

4 “(2) fund endowments, athletics, sectarian in-
5 struction, or religious worship.

6 **“SEC. 499N. ELIGIBLE ENTITY DEFINED.**

7 “‘In this subpart, the term ‘eligible entity’ means a
8 State or Tribal College or University that is a recipient
9 of a grant under subpart 1.

10 **“SEC. 499O. APPROPRIATIONS.**

11 “(a) AUTHORIZATION AND APPROPRIATIONS.—There
12 are authorized to be appropriated, and there are appro-
13 priated to carry out this subpart (in addition to any other
14 amounts appropriated to carry out this subpart and out
15 of any money in the Treasury not otherwise appropriated),
16 \$1,000,000,000 for fiscal year 2024 and each succeeding
17 fiscal year.

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

1 **TITLE III—PATHWAYS TO STU-**
2 **DENT SUCCESS FOR HISTORI-**
3 **CALLY BLACK COLLEGES AND**
4 **UNIVERSITIES, TRIBAL COL-**
5 **LEGES AND UNIVERSITIES,**
6 **AND MINORITY-SERVING IN-**
7 **STITUTIONS**

8 **SEC. 301. GRANTS TO HISTORICALLY BLACK COLLEGES**
9 **AND UNIVERSITIES, TRIBAL COLLEGES AND**
10 **UNIVERSITIES, AND MINORITY-SERVING IN-**
11 **STITUTIONS.**

12 Part J of title IV of the Higher Education Act of
13 1965 (20 U.S.C. 1070 et seq.), as added and amended
14 by this Act, is further amended by adding at the end the
15 following:

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

19 **“SEC. 499P. PATHWAYS TO STUDENT SUCCESS FOR HIS-**
20 **TORICALLY BLACK COLLEGES AND UNIVER-**
21 **SITIES.**

22 “From amounts appropriated under section 499U(a)
23 for any fiscal year, the Secretary shall award grants to
24 participating historically Black colleges or universities
25 that meet the requirements of section 499S(a) to—

1 “(1) encourage students to enroll and success-
2 fully complete a bachelor’s degree at such colleges
3 and universities;

4 “(2) provide incentives to community college
5 students to transfer to such colleges and universities
6 through strong transfer pathways to complete a
7 bachelor’s degree program; and

8 “(3) support such colleges and universities to
9 better serve new and existing students by engaging
10 in reforms and innovations designed to improve com-
11 pletion rates and other student outcomes.

12 **“SEC. 499Q. PATHWAYS TO STUDENT SUCCESS FOR TRIBAL**
13 **COLLEGES AND UNIVERSITIES.**

14 “From amounts appropriated under section 499U(a)
15 for any fiscal year, the Secretary shall award grants to
16 participating Tribal Colleges or Universities that meet the
17 requirements of section 499S(a) to—

18 “(1) encourage students to enroll and success-
19 fully complete a bachelor’s degree at such Colleges
20 and Universities;

21 “(2) provide incentives to community college
22 students to transfer to such Colleges and Univer-
23 sities through strong transfer pathways to complete
24 a bachelor’s degree program; and

1 “(3) support such Colleges and Universities to
 2 better serve new and existing students by engaging
 3 in reforms and innovations designed to improve com-
 4 pletion rates and other student outcomes.

5 **“SEC. 499R. PATHWAYS TO STUDENT SUCCESS FOR ALASKA**
 6 **NATIVE-SERVING INSTITUTIONS, ASIAN**
 7 **AMERICAN AND NATIVE AMERICAN PACIFIC**
 8 **ISLANDER-SERVING INSTITUTIONS, HIS-**
 9 **PANIC-SERVING INSTITUTIONS, NATIVE**
 10 **AMERICAN-SERVING NONTRIBAL INSTITU-**
 11 **TIONS, NATIVE HAWAIIAN-SERVING INSTITU-**
 12 **TIONS, AND PREDOMINANTLY BLACK INSTI-**
 13 **TUTIONS.**

14 “From amounts appropriated under section 499U(a)
 15 for any fiscal year, the Secretary shall award grants to
 16 participating Alaska Native-serving institutions, Asian
 17 American and Native American Pacific Islander-serving
 18 institutions, Hispanic-serving institutions, Native Amer-
 19 ican-serving nontribal institutions, Native Hawaiian-serv-
 20 ing institutions, and Predominantly Black institutions
 21 that meet the requirements of section 499S(a) to—

22 “(1) encourage students to enroll and success-
 23 fully complete a bachelor’s degree at such institu-
 24 tions;

1 “(2) provide incentives to community college
2 students to transfer to such institutions through
3 strong transfer pathways to complete a bachelor’s
4 degree program; and

5 “(3) support such institutions to better serve
6 new and existing students by engaging in reforms
7 and innovations designed to improve completion
8 rates and other student outcomes.

9 **“SEC. 499S. GRANT TERMS.**

10 “(a) INSTITUTIONAL ELIGIBILITY.—An institution
11 shall meet the requirements of this subsection if the insti-
12 tution—

13 “(1) in a public or nonprofit 4-year institution
14 that has a student body of which not less than 35
15 percent are low-income students;

16 “(2) commits to maintaining or adopting and
17 implementing promising and evidence-based institu-
18 tional reforms and innovative practices to improve
19 the completion rates and other student outcomes,
20 such as—

21 “(A) providing comprehensive academic,
22 career, and student support services (including
23 mentoring, advising, case management services,
24 and career pathway navigation), especially for
25 low-income, first-generation, and adult stu-

1 dents, and other students belonging to racial
2 and other groups that are historically underrep-
3 resented in higher education;

4 “(B) providing direct support services, or
5 assistance in applying for such services, such
6 as—

7 “(i) childcare, transportation, and
8 emergency financial assistance;

9 “(ii) assistance in obtaining health in-
10 surance coverage and accessing health care
11 services, including behavioral and mental
12 health services;

13 “(iii) affordable housing;

14 “(iv) nutrition assistance programs or
15 free or discounted food; and

16 “(v) means-tested Federal benefit pro-
17 grams, or similar State, tribal, or local
18 benefit programs;

19 “(C) providing accelerated learning oppor-
20 tunities and degree pathways, such as dual or
21 concurrent enrollment programs and pathways
22 to graduate and professional degree programs;

23 “(D) partnering with employers, industry,
24 nonprofit associations, and other groups to pro-

1 vide opportunities to advance learning outside
2 the classroom, including—

3 “(i) work-based learning opportunities
4 (such as internships or apprenticeships); or

5 “(ii) programs designed to improve
6 inter-cultural development and personal
7 growth (such as foreign exchange and
8 study abroad programs); or

9 “(E) strengthening remedial education, es-
10 pecially for low-income, first-generation, and
11 adult students, and other students belonging to
12 racial and other groups that are historically
13 underrepresented in higher education, including
14 through the use of multiple measures (such as
15 a student’s college entrance examination score,
16 grade point average, high school course list, or
17 a placement examination) to identify students
18 in need of remedial education;

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

21 “(4) if receiving a grant for transfer students,
22 has a formal, statewide articulation agreement with
23 community colleges in the State in which such insti-
24 tution operates that guarantees—

1 “(A) that a student who earns postsec-
2 ondary credit at any community college in such
3 State shall be able to fully transfer such credit
4 toward meeting related degree or certificate re-
5 quirements at such institution; and

6 “(B) that associate degrees awarded by
7 community colleges in the State are fully trans-
8 ferable to, and credited as, the first 2 years of
9 related baccalaureate programs at such institu-
10 tion.

11 “(b) GRANT AMOUNT.—

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

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

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

23 “(2) SUBSEQUENT INCREASES.—For each suc-
24 ceeding year after the first year of the grant pro-
25 gram under this subpart, each participating eligible

1 institution shall receive a grant in the amount deter-
2 mined under paragraph (1) for such year, except
3 that in no case shall the amount of the per-student
4 rebate for an eligible institution increase by more
5 than 3 percent as compared to the amount of such
6 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 subpart shall receive a per-
11 student rebate amount for any year that is
12 greater than the national average of annual tui-
13 tion and fees at public 4-year institutions of
14 higher education for such year, as determined
15 by the Secretary.

16 “(B) FIRST-YEAR TUITION AND FEES.—

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

22 “(4) STUDENTS ENROLLED LESS THAN FULL-

23 TIME.—The Secretary shall develop and implement a
24 formula for making adjustments to grant amounts
25 under this subpart based on the number of eligible

1 students at each eligible institution enrolled less
2 than full-time and the associated tuition and fees
3 charged to such students in proportion to the degree
4 to which each such student is not attending on a
5 full-time basis.

6 “(c) APPLICATION.—An eligible institution that de-
7 sires a grant under this subpart shall submit an applica-
8 tion to the Secretary at such time, in such manner, and
9 containing such information as the Secretary may require.

10 “(d) USE OF FUNDS.—Funds awarded under this
11 subpart to a participating eligible institution shall be used
12 to waive or significantly reduce tuition and fees for eligible
13 students by an amount not to exceed the annual per-stu-
14 dent rebate amount. Such funds under this subpart may
15 only be used to waive or reduce tuition and fees for the
16 first 60 credits for which an eligible student is enrolled
17 in the participating eligible institution.

18 “(e) SUPPLEMENT, NOT SUPPLANT.—Funds made
19 available under section 499U to carry out this subpart
20 shall be used to supplement, and not supplant, other Fed-
21 eral, State, tribal, and local funds that would otherwise
22 be expended to carry out activities under this subpart.

23 **“SEC. 499T. DEFINITIONS.**

24 “In this subpart:

1 “(1) ALASKA NATIVE-SERVING INSTITUTION.—
2 The term ‘Alaska Native-serving institution’ has the
3 meaning given such term in section 317(b).

4 “(2) ASIAN AMERICAN AND NATIVE AMERICAN
5 PACIFIC ISLANDER-SERVING INSTITUTION.—The
6 term ‘Asian American and Native American Pacific
7 Islander-serving institution’ has the meaning given
8 such term in section 371(c).

9 “(3) ELIGIBLE STUDENT.—The term ‘eligible
10 student’ means a student, regardless of age, who—

11 “(A) is enrolled in an eligible program (as
12 defined in section 481(b)) at a participating eli-
13 gible institution, on at least a half-time basis;

14 “(B) is a low-income student;

15 “(C) has been enrolled at such partici-
16 pating eligible institution under this subpart for
17 not more than 60 credits; and

18 “(D) has not been enrolled (whether full-
19 time or less than full-time) for more than 6 se-
20 mesters (or the equivalent) for which the stu-
21 dent received a benefit under this subpart.

22 “(4) HISPANIC-SERVING INSTITUTION.—The
23 term ‘Hispanic-serving institution’ has the meaning
24 given such term in section 502.

1 “(5) 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 “(6) LOW-INCOME STUDENT.—The term ‘low-
6 income student’ shall include—

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

9 “(B) any student who meets the financial
10 eligibility criteria for receiving a Federal Pell
11 Grant under section 401, but who is ineligible
12 to receive a Federal Pell Grant.

13 “(7) NATIVE AMERICAN-SERVING NONTRIBAL
14 INSTITUTION.—The term ‘Native American-serving
15 nontribal institution’ has the meaning given such
16 term in section 371(c).

17 “(8) NATIVE HAWAIIAN-SERVING INSTITU-
18 TION.—The term ‘Native Hawaiian-serving institu-
19 tion’ has the meaning given such term in section
20 317(b).

21 “(9) PREDOMINANTLY BLACK INSTITUTION.—
22 The term ‘Predominantly Black institution’ has the
23 meaning given such term in section 371(c).

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

4 **“SEC. 499U. APPROPRIATIONS.**

5 “(a) AUTHORIZATION AND APPROPRIATIONS FOR
6 HBCU, TCU, AND MSI GRANTS.—For the purpose of
7 carrying out this subpart there are authorized to be appro-
8 priated, and there are appropriated—

9 “(1) \$98,100,000 for fiscal year 2024;

10 “(2) \$321,040,000 for fiscal year 2025;

11 “(3) \$1,912,010,000 for fiscal year 2026;

12 “(4) \$1,988,710,000 for fiscal year 2027;

13 “(5) \$2,068,960,000 for fiscal year 2028;

14 “(6) \$2,151,010,000 for fiscal year 2029;

15 “(7) \$2,184,900,000 for fiscal year 2030;

16 “(8) \$2,329,370,000 for fiscal year 2031;

17 “(9) \$2,423,910,000 for fiscal year 2032; and

18 “(10) \$2,521,990,000 for fiscal year 2033 and

19 each succeeding fiscal year.

20 “(b) AVAILABILITY.—Funds appropriated under sub-
21 section (a) for a fiscal year are to remain available to the
22 Secretary through the two fiscal years following such fiscal
23 year.

24 “(c) INSUFFICIENT FUNDS.—If the amount appro-
25 priated under subsection (a) for a fiscal year is not suffi-

1 cient to award each institution participating in the grant
2 programs under sections 499P, 499Q, and 499R a grant
3 under this subpart equal to 100 percent of the grant
4 amount determined under section 499S(b), the Secretary
5 may ratably reduce the amount of each such grant or take
6 other actions necessary to ensure an equitable distribution
7 of such amount appropriated under subsection (a).”.

○