

117TH CONGRESS
2D SESSION

S. 3794

To amend the Higher Education Act of 1965 to establish an emergency grant aid program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 7), 2022

Ms. SMITH (for herself, Ms. KLOBUCHAR, and Mr. CASEY) 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 an emergency grant aid program, 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 “Emergency Grant Aid
5 for College Students Act”.

6 **SEC. 2. EMERGENCY FINANCIAL AID GRANT PROGRAM.**

7 Title VII of the Higher Education Act of 1965 (20
8 U.S.C. 1070b et seq.) is amended by adding at the end
9 the following:

1 **“PART F—EMERGENCY FINANCIAL AID GRANTS**

2 **“SEC. 791. EMERGENCY FINANCIAL AID GRANT PROGRAM.**

3 “(a) EMERGENCY FINANCIAL AID GRANT PROGRAMS
4 AUTHORIZED.—The Secretary shall carry out a grant pro-
5 gram to make grants, in accordance with subsection (b),
6 to eligible entities to provide emergency financial aid
7 grants to eligible students in accordance with subsection
8 (c).

9 “(b) APPLICATION.—

10 “(1) IN GENERAL.—Each eligible entity desir-
11 ing to carry out an emergency grant aid program
12 under this section shall submit an application to the
13 Secretary, at such time, in such manner, and con-
14 taining such information as the Secretary may re-
15 quire.

16 “(2) OUTREACH.—The Secretary shall, at least
17 60 days before each deadline to submit applications
18 under paragraph (1), conduct outreach to institu-
19 tions of higher education (including such institutions
20 that are eligible for priority under this section) and
21 systems of higher education to provide such institu-
22 tions and systems with information on the oppor-
23 tunity to apply under paragraph (1) to carry out an
24 emergency grant aid program under this section.

25 “(3) CONTENTS.—Each application under para-
26 graph (1) shall include a description of the emer-

1 agency grant aid program to be carried out by the eli-
2 gible entity, including—

3 “(A) an estimate of the number of emer-
4 gency financial aid grants that such entity will
5 make in an award year and how such eligible
6 entity assessed such estimate;

7 “(B) the criteria the eligible entity will use
8 to determine a student’s eligibility for an emer-
9 gency financial aid grant;

10 “(C) an assurance that an emergency for
11 which an eligible student will be eligible to re-
12 ceive an emergency financial aid grant will in-
13 clude financial challenges related to any compo-
14 nent of the student’s cost of attendance or fi-
15 nancial challenges that would impact the ability
16 of an eligible student to continue the course of
17 study of such student;

18 “(D) an assurance that the eligible entity,
19 when applicable, will make information available
20 to eligible students about the eligibility of such
21 students, and their dependents, as applicable,
22 for assistance under means-tested Federal ben-
23 efit programs, including—

1 “(i) the supplemental security income
2 program under title XVI of the Social Se-
3 curity Act (42 U.S.C. 1381 et seq.);

4 “(ii) the supplemental nutrition assist-
5 ance program under the Food and Nutri-
6 tion Act of 2008 (7 U.S.C. 2011 et seq.),
7 a nutrition assistance program carried out
8 under section 19 of such Act (7 U.S.C.
9 2028), or a supplemental nutrition assist-
10 ance program carried out under section
11 3(c) of the Act entitled ‘An Act to author-
12 ize appropriations for certain insular areas
13 of the United States, and for other pur-
14 poses’ (Public Law 95–348);

15 “(iii) the free and reduced price
16 school lunch program established under the
17 Richard B. Russell National School Lunch
18 Act (42 U.S.C. 1751 et seq.);

19 “(iv) the program of block grants for
20 States for temporary assistance for needy
21 families established under part A of title
22 IV of the Social Security Act (42 U.S.C.
23 601 et seq.);

24 “(v) the special supplemental nutri-
25 tion program for women, infants, and chil-

1 dren established by section 17 of the Child
2 Nutrition Act of 1966 (42 U.S.C. 1786);

3 “(vi) the Medicaid program under
4 title XIX of the Social Security Act (42
5 U.S.C. 1396 et seq.);

6 “(vii) Federal housing assistance pro-
7 grams, including tenant-based assistance
8 under section 8(o) of the United States
9 Housing Act of 1937 (42 U.S.C.
10 1437f(o)), and public housing, as defined
11 in section 3(b)(1) of such Act (42 U.S.C.
12 1437a(b)(1));

13 “(viii) the refundable credit for cov-
14 erage under a qualified health plan under
15 section 36B of the Internal Revenue Code
16 of 1986;

17 “(ix) the Earned Income Tax Credit
18 under section 32 of the Internal Revenue
19 Code of 1986; or

20 “(x) any other means-tested program
21 determined by the Secretary to be appro-
22 priate;

23 “(E) how the eligible entity will administer
24 the emergency grant aid program, including—

1 “(i) the process by which an eligible
2 student may apply for and receive an
3 emergency grant, which shall include an
4 opportunity to apply online, and at least 1
5 opportunity to appeal a grant denial;

6 “(ii) the processes the eligible entity
7 will use to respond to applications, approve
8 applications, and disburse emergency fi-
9 nancial aid grants, including outside of
10 normal business hours;

11 “(iii) how the eligible entity will ad-
12 vertise emergency grants to eligible stu-
13 dents; and

14 “(iv) how quickly the eligible entity
15 will disburse emergency aid grants to stu-
16 dents after applications have been sub-
17 mitted;

18 “(F) an assurance that the eligible entity
19 will acknowledge receipt of a student’s applica-
20 tion and fund approved applications not later
21 than 10 business days after the date of the ap-
22 proval;

23 “(G) an assurance that the eligible entity
24 will conduct outreach to students to inform

1 them of the availability of, and process for ap-
2 plying for, emergency aid grants;

3 “(H) a description of how the eligible enti-
4 ty will prioritize eligible students with financial
5 need in awarding emergency financial aid
6 grants; and

7 “(I) any other information the Secretary
8 may require.

9 “(4) PRIORITY.—In selecting eligible entities to
10 carry out an emergency grant aid program under
11 this section, the Secretary may give priority to—

12 “(A) an eligible entity that is a community
13 college;

14 “(B) an eligible entity that is an institu-
15 tion of higher education described in section
16 371(a);

17 “(C) an eligible entity that is considered
18 rural according to the National Center for Edu-
19 cation Statistics for purposes of the Integrated
20 Postsecondary Data System;

21 “(D) an eligible entity in which not less
22 than 33 percent of the students enrolled at such
23 eligible entity are eligible to receive a Federal
24 Pell Grant; or

25 “(E) an eligible entity that—

1 “(i) has an admissions rate that is 50
2 percent or higher and is under-resourced;

3 or

4 “(ii) is an eligible institution as de-
5 fined in section 312(b).

6 “(c) USE OF FUNDS.—

7 “(1) IN GENERAL.—An eligible entity may only
8 use funds provided under this section to make emer-
9 gency financial aid grants to eligible students.

10 “(2) AMOUNT OF AWARDS.—

11 “(A) IN GENERAL.—An eligible student
12 may receive an amount under this section that
13 would cause the amount of total financial aid
14 received by such student to exceed the cost of
15 attendance of the institution of higher edu-
16 cation in which the student is enrolled.

17 “(B) MAXIMUM AMOUNTS RECEIVED.—An
18 eligible student may not receive a cumulative
19 amount under this section for an academic year
20 that is more than the maximum Federal Pell
21 Grant available for such academic year.

22 “(3) DETERMINATIONS.—In determining eligi-
23 bility for and awarding emergency financial aid
24 grants under this section, an eligible entity may—

1 “(A) waive the amount of need calculation
2 under section 471; and

3 “(B) utilize a contract with a scholarship-
4 granting organization designated for the sole
5 purpose of accepting applications from, or dis-
6 bursing funds to, students enrolled in the insti-
7 tution of higher education, if such scholarship-
8 granting organization disburses the full allo-
9 cated amount provided to the institution of
10 higher education to the student recipients.

11 “(d) REPORTING AND OVERSIGHT.—

12 “(1) IN GENERAL.—Not less frequently than
13 once annually, each eligible entity that receives a
14 grant under this section shall submit to the Sec-
15 retary a report on the progress of the eligible entity
16 in carrying out the programs supported by such
17 grant.

18 “(2) FORM OF REPORT.—The report under
19 paragraph (1) shall be submitted to the Secretary at
20 such time, in such manner, and containing such in-
21 formation as the Secretary may require. The Sec-
22 retary shall issue uniform guidelines describing the
23 information that shall be reported by grantees under
24 such paragraph.

1 “(3) CONTENT OF REPORT.—The report under
2 paragraph (1) shall include, at minimum, the fol-
3 lowing:

4 “(A) The average, minimum, and max-
5 imum amount of grants made available to eligi-
6 ble students, including any average, minimum,
7 or maximum grant levels made to any specific
8 subgroups of eligible students, including the
9 subgroups listed in subparagraph (B).

10 “(B) A description of any specific sub-
11 groups of eligible students who were prioritized
12 for the emergency financial aid grants, includ-
13 ing students of color, low-income students, first-
14 generation college students, students with dis-
15 abilities, English learners, students experiencing
16 homelessness, former foster youth, or student
17 parents.

18 “(C) The number of eligible students who
19 received an emergency financial aid grant, in-
20 cluding the number of eligible students who re-
21 ceived more than one such grant, and the num-
22 ber of eligible students in each of the subgroups
23 described in subparagraph (B) who received an
24 emergency financial aid grant, including the

1 number of eligible students in each of such sub-
2 groups who received more than one such grant.

3 “(D) The types of emergencies declared
4 and frequencies of emergencies declared by eli-
5 gible students.

6 “(E) The number of students who applied
7 for an emergency financial aid grant, including
8 the number of eligible students in each of the
9 subgroups described in subparagraph (B) who
10 applied for an emergency financial aid grant.

11 “(F) The number of students who were de-
12 nied such a grant.

13 “(G) The number of students who ap-
14 pealed a denial of such grant.

15 “(H) The average amount of time it took
16 an eligible entity to respond to requests for
17 such a grant and the average amount of time
18 it took the eligible entity to award or deny such
19 a grant.

20 “(I) A description and amount of any in-
21 stitutional funds used to supplement emergency
22 financial aid grants provided in accordance with
23 this section.

1 “(J) Outcomes of the eligible students who
2 received such a grant, including rates of persist-
3 ence, retention, and completion.

4 “(K) A description of the method used to
5 disburse emergency grants to students.

6 “(e) DETERMINATION OF AWARDS.—Notwith-
7 standing any other provision of law, an eligible entity that
8 receives a grant under this section shall solely determine
9 which students receive emergency financial aid grants
10 under this section.

11 “(f) SPECIAL RULES.—An emergency financial aid
12 grant awarded to a student under this section—

13 “(1) shall not be treated as estimated financial
14 assistance or other financial assistance for the pur-
15 poses of section 471 or section 480;

16 “(2) shall not be considered—

17 “(A) income or assets (including untaxed
18 income and benefits under section 480(b)) in
19 the computation of a student’s expected family
20 contribution or student aid index in determining
21 the amount of aid for which the student is eligi-
22 ble under title IV for any academic year; and

23 “(B) in determining eligibility for other
24 public benefits; and

1 “(3) shall not be included in the gross income
2 of such student for purposes of the Internal Revenue
3 Code of 1986.

4 “(g) ELIGIBILITY FOR BENEFITS.—No individual
5 shall be determined to be ineligible to receive benefits pro-
6 vided under this section on the basis of citizenship,
7 alienage, or immigration status.

8 “(h) DEFINITIONS.—In this section:

9 “(1) COMMUNITY COLLEGE.—The term ‘com-
10 munity college’ means—

11 “(A) a degree-granting public institution of
12 higher education (as defined in section 101) at
13 which—

14 “(i) the highest degree awarded is an
15 associate degree; or

16 “(ii) an associate degree is the most
17 frequently awarded degree;

18 “(B) a 2-year Tribal College or University
19 (as defined in section 316(b)(3));

20 “(C) a degree-granting Tribal College or
21 University (as defined in section 316(b)(3)) at
22 which—

23 “(i) the highest degree awarded is an
24 associate degree; or

1 “(ii) an associate degree is the most
2 frequently awarded degree; or

3 “(D) a branch campus of a 4-year public
4 institution of higher education (as defined in
5 section 101), if, at such branch campus—

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

8 “(ii) an associate degree is the most
9 frequently awarded degree.

10 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means an institution of higher education.

12 “(3) ELIGIBLE STUDENT.—The term ‘eligible
13 student’ means any student who is enrolled in an eli-
14 gible entity.

15 “(4) INSTITUTION OF HIGHER EDUCATION.—
16 Notwithstanding any other provision of this Act, the
17 term ‘institution of higher education’ has the mean-
18 ing given the term in section 101 or 102(c).

19 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 such sums as may be necessary for each of fiscal years
22 2022 through 2027.”.

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