

To the office of U.S. Senator Tammy Baldwin

Re: S 5665 (119th Congress), America's College Promise Act of 2026 • Latest action (2026-09-30): Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

VFA SI Solution #467 • published 2026-10-18 • <https://www.valuesforamerica.com/solutions/467>

Office of record (Congress.gov): 141 Hart Senate Office Building Washington, DC 20510, Washington, DC • (202) 224-5653

Federal-State Community College Partnership and Student Success Act

The measure, as described from the official record: Make community college more affordable and improve student success, including added help for low-income students at historically Black colleges and universities, tribal colleges and universities, and other minority-serving institutions.

THE PROPOSAL

Congress has no general power over schools. This VFA proposal would rest on Article I, Section 8, Clause 1, which permits federal spending for the general welfare through voluntary matching grants. Control over admissions, curriculum, and graduation rules would remain with the states under the Tenth Amendment. Student and school decisions would carry Fifth Amendment Due Process notice and appeal rights. All spending would come only from yearly appropriations under Article I, Section 9, Clause 7. The strongest objection is that conditional money still pressures states to obey Washington. The answer is that joining would be fully voluntary, conditions would be stated clearly in advance, each condition would relate directly to college readiness and transfer value, and the program would expire on a fixed date with yearly audits.

A state or tribal college that joins would receive federal matching funds to waive resident tuition and fees at public community colleges. The benefit would be SI-supported and voluntary, not a federal mandate. Students would qualify by living in a participating state, enrolling at least half-time, and making steady academic progress. The benefit would cover tuition and mandatory fees after other grant aid is applied, for up to three years or 75 credits, whichever comes first.

To join, a state would submit a clear public plan. The plan would align high school diploma standards with readiness for credit-bearing college courses. It would also guarantee that an associate degree transfers fully toward a bachelor's degree at public four-year schools in that state. Schools would publish costs, graduation rates, job placement rates, and transfer results each year so families can compare value.

Schools would give written notice of any denial or loss of benefits and offer a prompt administrative appeal with a neutral reviewer. This appeal protection would be a new safeguard added by the VFA proposal.

The draft would add two focused grants within strict caps. One grant would help colleges adopt proven reforms such as advising, tutoring, and career pathways. A second grant would help

participating historically Black colleges and universities, tribal colleges and universities, and minority-serving institutions waive or sharply reduce tuition for the first 60 credits for low-income students. Federal funds could not be used for buildings, stadiums, or endowments.

The federal share for tuition waivers would be capped, with states paying at least 25 percent. The Department of Education would audit spending, publish results, and recover misspent funds after notice and hearing. The whole program would expire after five years unless Congress reviews the results and votes to continue it.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Effective Date	School year beginning after July 1, 2027, subject to appropriations
Enforcement Mechanism	Voluntary state participation agreements with annual audits; ED may withhold or recover misspent grant funds after notice and hearing; students receive written denial reasons and an administrative appeal for tuition-benefit decisions
Funding Amount	Federal share capped at \$10 billion per year, with state match required; institutional reform grants capped at \$1.5 billion per year; targeted low-income tuition grants capped at \$2 billion per year
Funding Source	Annual discretionary appropriations to the Department of Education, subject to Article I, Section 9, Clause 7; no new tax or mandatory entitlement created
Oversight Body	Department of Education, with annual public reporting to Congress and review by the Government Accountability Office
Sunset Years	5 years

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1
- Tenth Amendment
- Fifth Amendment Due Process
- Article I, Section 9, Clause 7

Concerns with the measure as written:

- Article I, Section 8 does not grant Congress a general power over education, so direct federal tuition mandates would raise Tenth Amendment federalism concerns.
- Conditions on federal grants must be clear, voluntary, and related to the federal interest, with Fifth Amendment Due Process protections for students and schools in eligibility and appeal decisions.

WHY BOTH SIDES CAN BACK IT (VFA’S ASSESSMENT)

VFA assesses this draft honors Democratic priorities by expanding debt-free community college access and targeted tuition relief for low-income students at participating historically Black colleges and universities, tribal colleges and universities, and minority-serving institutions. VFA assesses it honors Republican priorities by keeping participation voluntary with state control of education, requiring state matching funds, capping federal spending with no new tax, adding

steady-progress standards, and ending the program automatically unless Congress votes to continue it.

Strongest objection, and the answer: The strongest objection is that conditional money still pressures states to obey Washington. The answer is that joining would be fully voluntary, conditions would be stated clearly in advance, each condition would relate directly to college readiness and transfer value, and the program would expire on a fixed date with yearly audits.

CHECK BEFORE RELYING ON THIS

Basis: The Congress.gov summary of S. 119-5665 supports that the bill would waive community college tuition through state and tribal grants, require state plans on diploma alignment and transfer pathways, fund institutional reforms to improve student outcomes, and fund tuition relief for the first 60 credits for low-income students at participating historically Black colleges and universities, tribal colleges and universities, and minority-serving institutions. The record states the bill was read twice and referred to the Committee on Health, Education, Labor, and Pensions on September 30, 2026.

The full bill text and current law were not available for this draft, so exact eligibility rules, income definitions, tuition formulas, existing appeal rights, cost effects, and statutory conflicts should be verified at the Congress.gov bill page before action. Proposed student notices and appeals described here are new VFA additions, not confirmed existing rights.

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