

United States Senate
WASHINGTON, DC 20510

July 26, 2018

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary DeVos:

We write to you on behalf of approximately 800,000 low-income, first-generation college students who seek to take advantage of the services and supports provided by the Federal TRIO Programs (TRIO). We are concerned by reports that the Department's constructive efforts to streamline and simplify the financial aid application process to benefit students may have led to a potential conflict with eligibility requirements for TRIO programs. These concerns have been reflected in the most recent report accompanying the Senate Fiscal Year 2019 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill that passed the Senate Appropriations Committee. We urge you to follow the directive in this report language to work with TRIO grantees to allow for the use of the student's most recently completed financial aid application as documentation of a student's income, to determine eligibility for TRIO programs.

As you know, beginning with the 2017-2018 award year, the Free Application for Federal Student Aid (FAFSA) began collecting income data for the second preceding tax year (known as "prior-prior year") in order to calculate financial aid eligibility. This change, which was authorized under Section 480(a)(1)(B) of the Higher Education Opportunity Act (P. L. 110-315), and encouraged by a large bipartisan group of Members of Congress, was part of an overall effort by the previous Administration to allow students to apply for federal aid earlier and to generally ease the burden of students and families in pursuit of resources to fund higher education.¹

However, one unintended consequence of the change to use prior-prior year data within the FAFSA was the creation of a potential conflict with the statute governing TRIO programs. Although TRIO programs can rely on financial aid data in determining a student's eligibility to participate, the statute refers to data derived from taxable income during the preceding year.² As a result of this inconsistency, TRIO programs have been unable to take advantage of one of the most efficient and cost-effective means of determining student eligibility. Instead, programs must expend valuable time and resources chasing other methods of demonstrating students' low-income status. In some cases, these efforts prove unsuccessful and students who undeniably fit the low-income criteria are unable to participate for lack of appropriate documentation.

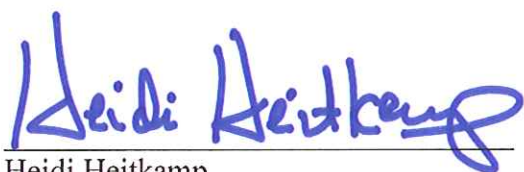
¹ Letter from 53 Members of Congress to The Honorable Arne Duncan, Secretary of Education, June 4, 2015. <https://www.help.senate.gov/ranking/newsroom/press/bipartisan-group-urges-education-department-to-simplify-financial-aid-process>

² See 20 U.S.C. § 1070-11(h)(4); 34 C.F.R. §§ 643.7(b), 644.7(b), 645.6(b), 646.7(b), 647.7(b)

In effect, while FAFSA now allows applicants to utilize income data from two years prior, TRIO still requires applicants to utilize income data from the prior year. Ultimately, FAFSA application and TRIO income eligibility requirements should be aligned. Given the current incongruity in data collected by the FAFSA and what is needed by the TRIO programs, we urge you to use your authority as Secretary to remedy this matter. Specifically, we urge the Department to take actionable steps to allow TRIO grant recipients to use students' most recently completed FAFSA as documentation of a student or family's income (as appropriate) to determine eligibility for the TRIO programs. This sentiment is underscored by the report language included in the bipartisan FY 2019 Senate Labor, Health and Human Services, and Education Appropriations bill report, which was recently passed through the Senate Appropriations Committee. Specifically, the language from the Committee *"urges the Department to work with grantees to allow for the use of the student's most recently completed FAFSA as documentation of a student's income, or family's income (as applicable), to determine eligibility for TRIO programs."*³

Thank you for your attention to this matter and we look forward to working with you to ensure greater access to the supportive services provided by the Federal TRIO Programs.

Sincerely,



Heidi Heitkamp
United States Senator



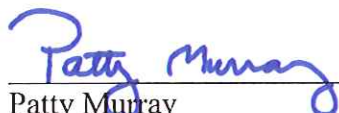
Susan Collins
United States Senator



Jack Reed
United States Senator



Jon Tester
United States Senator



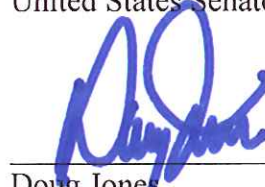
Patty Murray
United States Senator



Margaret Wood Hassan
United States Senator



Sheldon Whitehouse
United States Senator



Doug Jones
United States Senator

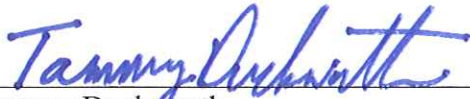
³ Senate Report 115-289. Labor, Health and Human Services, and Education Appropriations bill. June 28, 2018. Page 205. <https://www.appropriations.senate.gov/imo/media/doc/FY2019%20Labor-HHS%20Appropriations%20Act,%20Report%20115-289.pdf>



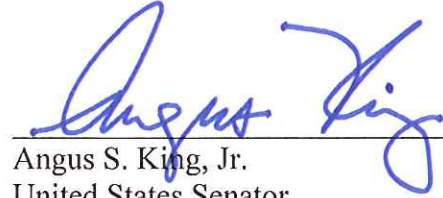
Jeanne Shaheen
United States Senator



Tammy Baldwin
United States Senator



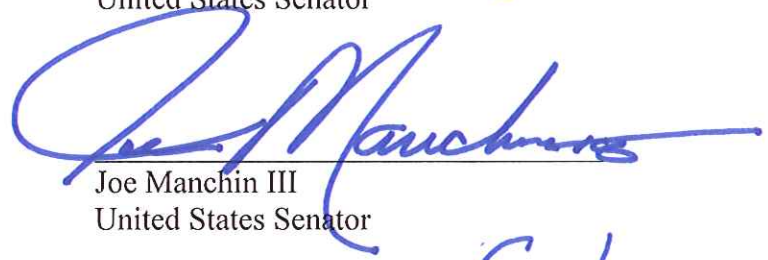
Tammy Duckworth
United States Senator



Angus S. King, Jr.
United States Senator



Mazie K. Hirono
United States Senator



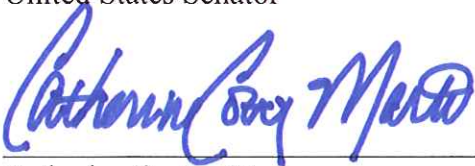
Joe Manchin III
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Bernard Sanders
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United States Senator



Catherine Cortez Masto
United States Senator



Amy Klobuchar
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