118TH CONGRESS
1ST SESSION

S._____

To modify the Federal TRIO programs.

IN THE SENATE OF THE UNITED STATES

Ms. COLLINS (for herself, Mr. TESTER, Mrs. CAPITO, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To modify the Federal TRIO programs.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Educational Opportu-
tunity and Success Act of 2023".

SEC. 2. PROGRAM AUTHORITY AND AUTHORIZATION OF AP-
PROPRIATIONS FOR FEDERAL TRIO PRO-
GRAMS.

(a) MINIMUM GRANTS.—Section 402A(b)(3) of the
Higher Education Act of 1965 (20 U.S.C. 1070a–
11(b)(3)) is amended—
(1) by striking "$200,000" and inserting "$220,000"; and
(2) by striking "$170,000" and inserting "$190,000".

(b) PROCEDURES FOR AWARDING GRANTS AND CONTRACTS.—Section 402A(c) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(c)) is amended—

(1) in paragraph (2)(A)—

(A) in the subparagraph heading, by striking "PRIOR EXPERIENCE" and inserting "PRIOR SUCCESS";

(B) in the first sentence, by striking "prior experience of high quality service delivery" and inserting "prior success in achieving high quality service delivery"; and

(C) in the second sentence—

(i) by striking "prior experience shall not" and inserting "prior success in achieving high quality service delivery shall not"; and

(ii) by striking "shall not be given prior experience consideration" and inserting "shall not be given such consideration";
(2) in paragraph (3)(A) by striking "prior experience" and inserting "prior success";

(3) in paragraph (4)(A), in the second sentence, by inserting "as well as first-generation college graduates" after "readers"; and

(4) by striking paragraph (8) and inserting the following:

"(8) REVIEW AND NOTIFICATION BY THE SECRETARY.—

"(A) GUIDANCE.—Not less than 90 days before the commencement of each competition for a grant under this chapter, the Secretary shall issue nonregulatory guidance regarding the rights and responsibilities of applicants with respect to the application and evaluation process for programs and projects assisted under this chapter, including applicant access to peer review comments. The guidance shall describe the procedures for the submission, processing, and scoring of applications for grants under this chapter, including the information described in subparagraph (B).

"(B) TECHNICAL COMPONENTS OF APPLICATIONS.—
“(i) Establishment and treatment of nonsubstantive technical components of applications.—With respect to any competition for a grant under this chapter, the Secretary may only establish voluntary page limit and formatting requirements for grant applications and may not reject grant applications that do not meet those voluntary requirements. The Secretary may suggest page limits and formatting standards, (including with respect to font size, font style, font type, line spacing, paragraph justification, and page margins), but may not use noncompliance with these suggested requirements as a basis to reject or penalize grant applications.

“(ii) Identification and treatment of technical budget errors in applications.—

“(I) In general.—With respect to any competition for a grant under this chapter, the Secretary may not reject or penalize grant applications on the basis of a typographical or
rounding error in a proposed budget until the Secretary has given the applicant an opportunity for correction in accordance with subclause (II).

"(II) NOTICE AND OPPORTUNITY FOR CORRECTION.—The Secretary shall provide notice and identification of an error described in subclause (I) by email and phone to the applicant before awarding grants for each competition. During a period of not fewer than 14 days, the Secretary shall allow the applicant to submit a revised application that corrects the identified error.

"(III) TREATMENT OF REVISED APPLICATIONS.—The Secretary shall treat the revised application in the same manner as a timely submitted application.

"(IV) FAILURE TO CORRECT.—If an applicant has received a notice and opportunity for correction of a typographical or rounding error in a proposed budget in accordance with sub-
clause (II) and the applicant fails to correct the error and submit a revised application before the deadline described in that subclause, the Secretary may reject or penalize that grant application.

"(C) Review.—

(i) Request for review.—With respect to any competition for a grant under this chapter, an applicant may request a review if the applicant—

"(I) has evidence that a specific technical, administrative, or scoring error was made by the Department, an agent of the Department, or a peer reviewer, with respect to the scoring or processing of a submitted application; and

"(II) has otherwise met all of the requirements for submission of the application.

(ii) Error made by the Department.—In the case of evidence of error by the Department or an agent of the Department, other than a peer reviewer, the Sec-
retary shall review any evidence submitted
by the applicant and provide a timely re-
response to the applicant. All applicants, re-
gardless of score, shall have this right of
review. If the Secretary determines that an
error was made by the Department or an
agent of the Department, other than a
peer reviewer, the Secretary shall correct
the error and accordingly adjust the appli-
cant score.

“(iii) ERROR MADE BY A PEER RE-
VIEWER.—

“(I) IN GENERAL.—In the case
of evidence of error by a peer re-
viewer, a secondary review panel shall
automatically and promptly evaluate
the application for consideration in
the applicable grant competition upon
receipt of a request by any such appli-
cant. The Department shall allow this
right of review to any applicant that
scored five points or less below the
cut-off score. Examples of errors war-
ranting secondary review may in-
clude—
"(aa) points withheld for criteria not required in statute, regulation, or guidance governing a program under this chapter or the application for a grant for such program; or

"(bb) information pertaining to selection criteria that was incorrectly determined to be missing from an application.

"(II) TIMELY REVIEW AND REPLACEMENT SCORE.—The secondary review panel described in subclause (I) shall conduct a secondary review in a timely fashion, and the score resulting from the secondary review shall replace the score from the initial peer review.

"(III) COMPOSITION OF SECONDARY REVIEW PANEL.—The secondary review panel shall be composed of reviewers each of whom—

"(aa) did not review the application in the original peer review;
"(bb) is a member of the cohort of peer reviewers for the grant program that is the subject of such secondary review; and

"(cc) to the extent practicable, has conducted peer reviews in not less than 2 previous competitions for the grant program that is the subject of such secondary review.

"(IV) FINAL SCORE.—The final peer review score of an application subject to a secondary review under this clause shall promptly be adjusted appropriately using the score awarded by the secondary review panel, so as not to interfere with the timely awarding of grants for the applicable grant competition.

"(iv) FINALITY.—

"(I) IN GENERAL.—A determination by the Secretary under clause (ii) shall not be reviewable by any officer or employee of the Department other than the Secretary.
“(II) SCORING.—The score awarded by a secondary review panel under clause (iii) shall not be reviewable by any officer or employee of the Department other than the Secretary.

“(v) FUNDING OF APPLICATIONS WITH CERTAIN ADJUSTED SCORES.——Applications with scores that are adjusted upward under clause (ii) or (iii) that equal or exceed the minimum cut-off score for the applicable grant competition shall be funded by the Secretary using general or administrative funds available to the Secretary other than those funds appropriated or allocated for the programs authorized by this chapter.”.

(c) OUTREACH.—Section 402A(d)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(d)(3)) is amended by adding at the end the following: “The Secretary shall also host at least one virtual, interactive training using telecommunications technology to ensure that interested applicants have access to technical assistance.”.

(d) DOCUMENTATION OF STATUS AS A LOW-INCOME INDIVIDUAL.—Section 402A(e) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(e)) is amended—
(1) in paragraph (1)—

(A) in subparagraph (C), by striking “or” after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(E) documentation that the student has been determined to be eligible for a Federal Pell Grant under section 401; or

“(F) for grants authorized under section 402B and 402F of this chapter, documentation that a student is attending a school that had a percentage of enrolled students who are identified students (as defined in section 11(a)(1)(F)(i)) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)(i))) that meets or exceeds the threshold described in section 11(a)(1)(F)(viii) of that Act during the school year prior to the first year of the period for which such grant is awarded.”; and

(2) in paragraph (2)—

(A) in subparagraph (C), by striking “or” after the semicolon;
(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(E) documentation that the student has been determined to be eligible for a Federal Pell Grant under section 401; or

"(F) for grants authorized under section 402B and 402F of this chapter, documentation that a student is attending a school that had a percentage of enrolled students who are identified students (as defined in section 11(a)(1)(F)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)(i))) that meets or exceeds the threshold described in section 11(a)(1)(F)(viii) of that Act during the school year prior to the first year of the period for which such grant is awarded.".

(e) OUTCOME CRITERIA.—Section 402A(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a−11(g)) is amended—

(1) in paragraph (1)—
(A) in the paragraph heading, by striking “PRIOR EXPERIENCE” and inserting “PRIOR SUCCESS”; 

(B) by striking “January 1, 2009” and inserting “the date of enactment of the Educational Opportunity and Success Act of 2023”; and 

(C) by striking “prior experience of” and inserting “prior success in achieving”; and 

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (iv), by striking “that will make such students eligible for programs such as the Academic Competitiveness Grants Program” and inserting “that includes at least 4 years of mathematics, 3 years of science, and 2 years of a foreign language”; 

(ii) by redesignating clauses (v) and (vi) as clauses (vi) and (vii), respectively; and 

(iii) inserting after clause (iv), the following:

“(v) the completion of financial aid applications, including the Free Applica-
tion for Federal Student Aid described in section 483(a) and college admissions appli-
cations";

(B) in subparagraph (B)—

(i) in the matter preceding clause (i),
by inserting "except in the case of pro-
grams that are specifically designed for
veterans," after "402C";

(ii) in clause (v), by striking "that will
make such students eligible for programs
such as the Academic Competitiveness
Grants Program" and inserting "that in-
cludes at least 4 years of mathematics, 3
years of science, and 2 years of a foreign
language";

(iii) by redesignating clauses (vi) and
(vii) as clauses (vii) and (viii), respectively;
and

(iv) inserting after clause (v), the fol-
loving:

"(vi) the completion of financial aid
applications, including the Free Application
for Federal Student Aid described in
section 483(a) and college admissions ap-
plications;";
(C) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

(D) by inserting after subparagraph (B) the following:

“(C) For programs authorized under section 402C that are specifically designed for veterans, the extent to which the eligible entity met or exceeded the entity’s objectives for such program regarding—

“(i) the delivery of service to a total number of students who are veterans served by the program, as agreed upon by the entity and the Secretary for the period of the program;

“(ii) such students’ academic performance as measured by standardized tests;

“(iii) the retention and completion of participants in the program;

“(iv) the provision of assistance to students served by the program in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a) and college admission applications;
“(v) the enrollment of such students in an institution of higher education; and
“(vi) to the extent practicable, the postsecondary completion of such students;”;
(E) in subparagraph (D), as redesignated by subparagraph (C), by striking clause (ii) and inserting the following:
“(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the entity met or exceeded the entity’s objectives regarding the percentage of such students’ completion of a baccalaureate degree at any baccalaureate granting institution within 6 years of initial enrollment in the project; or
“(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which such students met or exceeded—
“(aa) the entity’s objective regarding the transfer of such students to institutions of higher education that offer baccalaureate degrees, re-
wardless of whether the transferring student completes a degree or certificate; and

“(bb) the entity’s objective regarding the completion of a degree or certificate by such students at the institution or any accredited institution within 4 years of initial enrollment in the project;”;

(F) by amending subparagraph (E), as redesignated by subparagraph (C), to read as follows:

“(E) For programs authorized under section 402E, the extent to which the entity met or exceeded—

“(i) the entity’s objective regarding the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

“(ii) the entity’s objective regarding the provision of appropriate scholarly and research activities for the students served by the program;
“(iii) the entity’s objective regarding the acceptance and enrollment of such students in graduate programs within 2 years of receiving the baccalaureate degree;

“(iv) the entity’s objective regarding the continued enrollment of such students in graduate study; and

“(v) the entity’s objective regarding the attainment of doctoral degrees by former program participants within 10 years of receiving the baccalaureate degree.”; and

(G) in subparagraph (F), as redesignated by subparagraph (C)—

(i) in clause (i), by inserting “within 2 years of participation in the program” after “such diploma or equivalent”; and

(ii) in clause (ii), by inserting “or re-enrollment” after “the enrollment”.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 402A(g) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(g)) is amended to read as follows:

“(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants and contracts under this chapter, there are authorized to be appropriated
1 $1,191,000,000 for fiscal year 2024 and such sums as
2 may be necessary for each of the five succeeding fiscal
3 years. Of the amount appropriated under this chapter, the
4 Secretary may use no more than 1 percent of such amount
5 to obtain additional qualified readers and additional staff
6 to review applications, to increase the level of oversight
7 monitoring, to support impact studies, program assess-
8 ments, and reviews, and to provide technical assistance to
9 potential applicants and current grantees.”.

(g) DEFINITIONS.—Section 402A(h) of the Higher
11 Education Act of 1965 (20 U.S.C. 1070a–11(h)) is
12 amended by striking paragraph (4) and inserting the fol-
13 lowing:

“(4) LOW-INCOME INDIVIDUAL.—The term
15 ‘low-income individual’ means—

“(A) an individual from a family whose ad-
16 justable gross income for the preceding year did
17 not exceed 150 percent of an amount equal to
18 the poverty level determined by using criteria of
19 poverty established by the Bureau of the Cen-
20 sus;

“(B) an individual from a family whose ad-
22 justable gross income, as reported on the indi-
23 vidual’s most recently completed Free Applica-
24 tion for Federal Student Aid, did not exceed
150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census for that year;

"(C) an individual who has been determined to be eligible for a Federal Pell Grant under section 401; or

"(D) for grants authorized under section 402B and 402F of this chapter, a student who is attending a school that had a percentage of enrolled students who are identified students (as defined in section 11(a)(1)(F)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)(i))) that meets or exceeds the threshold described in section 11(a)(1)(F)(viii) of that Act during the school year prior to the first year of the period for which such grant is awarded.".

SEC. 3. UPWARD BOUND.

Section 402C of the Higher Education Act of 1965 (20 U.S.C. 1070a–13) is amended—

(1) in subsection (d)—

(A) in paragraph (6), by striking "and" after the semicolon;
(B) by redesignating paragraph (7) as paragraph (8);

(C) by inserting after paragraph (6) the following:

“(7) continued services through the student’s first year of attendance at an institution of higher education, to the extent the provision of such service was described in the eligible entity’s application for assistance; and”; and

(D) in paragraph (8), as redesignated by subparagraph (B), by striking “or paragraphs (1) through (6)” and inserting “or paragraphs (1) through (7)”;

(2) in subsection (f)—

(A) by striking “$60” and inserting “$90”;

(B) by striking “$300” and inserting “$450”;

(C) by striking “$40” and inserting “$60”; and

(D) by adding at the end the following:

“Adults participating in a project that is specifically designed for veterans under this section may be paid stipends not in excess of $100 per month during the year.”; and
(3) by striking subsection (g) and redesignating subsection (h) as subsection (g).

SEC. 4. POSTBACCALAUREATE ACHIEVEMENT PROGRAM

AUTHORITY.

Section 402E of the Higher Education Act of 1965 (20 U.S.C. 1070a–15) is amended—

(1) in subsection (b)(2), by striking "summer internships" and inserting "internships or faculty-led research experiences";

(2) in subsection (d)(4), by striking "summer research internships" and inserting "research internships or faculty-led research experiences";

(3) in subsection (f)(1), by striking "$2,800" and inserting "$4,000";

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following:

"(g) DETERMINATION OF NEED.—A stipend provided to a student under subsection (f)(1) shall not be considered in determining that student's need for grant or work assistance under this title, except that in no case shall the total amount of student financial assistance awarded to a student under this title exceed that student's cost of attendance, as defined in section 472."