To modify the Federal TRIO programs.

IN THE SENATE OF THE UNITED STATES

Ms. COLLINS (for herself, Ms. BALDWIN, Mrs. CAPITO, and Mr. TESTER) 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 Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Educational Opportunity and Success Act of 2019”.

SEC. 2. FEDERAL TRIO PROGRAMS AMENDMENTS.

(a) Review and Notification by the Secretary.—Section 402A(c) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(c)) is amended 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 subclause (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 Secretary shall review any evidence submitted by the applicant and provide a timely response to the applicant. If the Secretary determines that an error was made by the Department or an agent of the Department, other than a peer reviewer, the Sec-
retary shall correct the error and accordingly adjust the applicant score.

“(iii) Error made by a peer reviewer.—

“(I) In general.—In the case of evidence of error by a peer reviewer, 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 applicant. Examples of errors warranting secondary review may include—

“(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 ad-
administrative funds available to the Secretary other than those funds appropriated or allocated for the programs authorized by this chapter.’’

(b) 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.”

(c) 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
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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.”.

(d) 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 $1,060,000,000 for fiscal year 2020 and such sums as may be necessary for each of the five succeeding fiscal years. Of the amount appropriated under this chapter, the Secretary may use no more than 1 percent of such amount to obtain additional qualified readers and additional staff to review applications, to increase the level of oversight monitoring, to support impact studies, program assessments, and reviews, and to provide technical assistance to potential applicants and current grantees.”.

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

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

“(A) an individual from a family whose ad-
justable gross income for the preceding year 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 Cen-
sus;

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

“(C) an individual who has been deter-
mined 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.”.