

116TH CONGRESS
1ST SESSION

S. _____

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.

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 “Educational Oppor-
5 tunity and Success Act of 2019”.

6 **SEC. 2. FEDERAL TRIO PROGRAMS AMENDMENTS.**

7 (a) REVIEW AND NOTIFICATION BY THE SEC-
8 RETARY.—Section 402A(c) of the Higher Education Act
9 of 1965 (20 U.S.C. 1070a–11(c)) is amended by striking
10 paragraph (8) and inserting the following:

1 “(8) REVIEW AND NOTIFICATION BY THE SEC-
2 RETARY.—

3 “(A) GUIDANCE.—Not less than 90 days
4 before the commencement of each competition
5 for a grant under this chapter, the Secretary
6 shall issue nonregulatory guidance regarding
7 the rights and responsibilities of applicants with
8 respect to the application and evaluation proc-
9 ess for programs and projects assisted under
10 this chapter, including applicant access to peer
11 review comments. The guidance shall describe
12 the procedures for the submission, processing,
13 and scoring of applications for grants under
14 this chapter, including the information de-
15 scribed in subparagraph (B).

16 “(B) TECHNICAL COMPONENTS OF APPLI-
17 CATIONS.—

18 “(i) ESTABLISHMENT AND TREAT-
19 MENT OF NONSUBSTANTIVE TECHNICAL
20 COMPONENTS OF APPLICATIONS.—With re-
21 spect to any competition for a grant under
22 this chapter, the Secretary may only estab-
23 lish voluntary page limit and formatting
24 requirements for grant applications and
25 may not reject grant applications that do

1 not meet those voluntary requirements.
2 The Secretary may suggest page limits and
3 formatting standards, (including with re-
4 spect to font size, font style, font type, line
5 spacing, paragraph justification, and page
6 margins), but may not use noncompliance
7 with these suggested requirements as a
8 basis to reject or penalize grant applica-
9 tions.

10 “(ii) IDENTIFICATION AND TREAT-
11 MENT OF TECHNICAL BUDGET ERRORS IN
12 APPLICATIONS.—

13 “(I) IN GENERAL.—With respect
14 to any competition for a grant under
15 this chapter, the Secretary may not
16 reject or penalize grant applications
17 on the basis of a typographical or
18 rounding error in a proposed budget
19 until the Secretary has given the ap-
20 plicant an opportunity for correction
21 in accordance with subclause (II).

22 “(II) NOTICE AND OPPORTUNITY
23 FOR CORRECTION.—The Secretary
24 shall provide notice and identification
25 of an error described in subclause (I)

1 by email and phone to the applicant
2 before awarding grants for each com-
3 petition. During a period of not fewer
4 than 14 days, the Secretary shall
5 allow the applicant to submit a re-
6 vised application that corrects the
7 identified error.

8 “(III) TREATMENT OF REVISED
9 APPLICATIONS.—The Secretary shall
10 treat the revised application in the
11 same manner as a timely submitted
12 application.

13 “(IV) FAILURE TO CORRECT.—If
14 an applicant has received a notice and
15 opportunity for correction of a typo-
16 graphical or rounding error in a pro-
17 posed budget in accordance with sub-
18 clause (II) and the applicant fails to
19 correct the error and submit a revised
20 application before the deadline de-
21 scribed in that subclause, the Sec-
22 retary may reject or penalize that
23 grant application.

24 “(C) REVIEW.—

1 “(i) REQUEST FOR REVIEW.—With
2 respect to any competition for a grant
3 under this chapter, an applicant may re-
4 quest a review if the applicant—

5 “(I) has evidence that a specific
6 technical, administrative, or scoring
7 error was made by the Department,
8 an agent of the Department, or a peer
9 reviewer, with respect to the scoring
10 or processing of a submitted applica-
11 tion; and

12 “(II) has otherwise met all of the
13 requirements for submission of the
14 application.

15 “(ii) ERROR MADE BY THE DEPART-
16 MENT.—In the case of evidence of error by
17 the Department or an agent of the Depart-
18 ment, other than a peer reviewer, the Sec-
19 retary shall review any evidence submitted
20 by the applicant and provide a timely re-
21 sponse to the applicant. If the Secretary
22 determines that an error was made by the
23 Department or an agent of the Depart-
24 ment, other than a peer reviewer, the Sec-

1 retary shall correct the error and accord-
2 ingly adjust the applicant score.

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

5 “(I) IN GENERAL.—In the case
6 of evidence of error by a peer re-
7 viewer, a secondary review panel shall
8 automatically and promptly evaluate
9 the application for consideration in
10 the applicable grant competition upon
11 receipt of a request by any such appli-
12 cant. Examples of errors warranting
13 secondary review may include—

14 “(aa) points withheld for
15 criteria not required in statute,
16 regulation, or guidance governing
17 a program under this chapter or
18 the application for a grant for
19 such program; or

20 “(bb) information pertaining
21 to selection criteria that was in-
22 correctly determined to be miss-
23 ing from an application.

24 “(II) TIMELY REVIEW AND RE-
25 PLACEMENT SCORE.—The secondary

1 review panel described in subclause (I)
2 shall conduct a secondary review in a
3 timely fashion, and the score resulting
4 from the secondary review shall re-
5 place the score from the initial peer
6 review.

7 “(III) COMPOSITION OF SEC-
8 ONDARY REVIEW PANEL.—The sec-
9 ondary review panel shall be composed
10 of reviewers each of whom—

11 “(aa) did not review the ap-
12 plication in the original peer re-
13 view;

14 “(bb) is a member of the co-
15 hort of peer reviewers for the
16 grant program that is the subject
17 of such secondary review; and

18 “(cc) to the extent prac-
19 ticable, has conducted peer re-
20 views in not less than 2 previous
21 competitions for the grant pro-
22 gram that is the subject of such
23 secondary review.

24 “(IV) FINAL SCORE.—The final
25 peer review score of an application

1 subject to a secondary review under
2 this clause shall promptly be adjusted
3 appropriately using the score awarded
4 by the secondary review panel, so as
5 not to interfere with the timely award-
6 ing of grants for the applicable grant
7 competition.

8 “(iv) FINALITY.—

9 “(I) IN GENERAL.—A determina-
10 tion by the Secretary under clause (ii)
11 shall not be reviewable by any officer
12 or employee of the Department other
13 than the Secretary.

14 “(II) SCORING.—The score
15 awarded by a secondary review panel
16 under clause (iii) shall not be review-
17 able by any officer or employee of the
18 Department other than the Secretary.

19 “(v) FUNDING OF APPLICATIONS
20 WITH CERTAIN ADJUSTED SCORES.—Appli-
21 cations with scores that are adjusted up-
22 ward under clause (ii) or (iii) that equal or
23 exceed the minimum cut-off score for the
24 applicable grant competition shall be fund-
25 ed by the Secretary using general or ad-

1 ministrative funds available to the Sec-
2 retary other than those funds appropriated
3 or allocated for the programs authorized
4 by this chapter.”.

5 (b) OUTREACH.—Section 402A(d)(3) of the Higher
6 Education Act of 1965 (20 U.S.C. 1070a–11(d)(3)) is
7 amended by adding at the end the following: “The Sec-
8 retary shall also host at least one virtual, interactive train-
9 ing using telecommunications technology to ensure that
10 interested applicants have access to technical assistance.”.

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

14 (1) in paragraph (1)—

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

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

19 and

20 (C) by adding at the end the following:

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

24 “(F) for grants authorized under section
25 402B and 402F of this chapter, documentation

1 that a student is attending a school that had a
2 percentage of enrolled students who are identi-
3 fied students (as defined in section
4 11(a)(1)(F)(i) of the Richard B. Russell Na-
5 tional School Lunch Act (42 U.S.C.
6 1759a(a)(1)(F)(i)) that meets or exceeds the
7 threshold described in section 11(a)(1)(F)(viii)
8 of that Act during the school year prior to the
9 first year of the period for which such grant is
10 awarded.”; and

11 (2) in paragraph (2)—

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

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

17 (C) by adding at the end the following:

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

21 “(F) for grants authorized under section
22 402B and 402F of this chapter, documentation
23 that a student is attending a school that had a
24 percentage of enrolled students who are identi-
25 fied students (as defined in section

1 11(a)(1)(F)(i) of the Richard B. Russell Na-
2 tional School Lunch Act (42 U.S.C.
3 1759a(a)(1)(F)(i)) that meets or exceeds the
4 threshold described in section 11(a)(1)(F)(viii)
5 of that Act during the school year prior to the
6 first year of the period for which such grant is
7 awarded.”.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
9 402A(g) of the Higher Education Act of 1965 (20 U.S.C.
10 1070a–11(g)) is amended to read as follows:

11 “(g) AUTHORIZATION OF APPROPRIATIONS.—For the
12 purpose of making grants and contracts under this chap-
13 ter, there are authorized to be appropriated
14 \$1,060,000,000 for fiscal year 2020 and such sums as
15 may be necessary for each of the five succeeding fiscal
16 years. Of the amount appropriated under this chapter, the
17 Secretary may use no more than 1 percent of such amount
18 to obtain additional qualified readers and additional staff
19 to review applications, to increase the level of oversight
20 monitoring, to support impact studies, program assess-
21 ments, and reviews, and to provide technical assistance to
22 potential applicants and current grantees.”.

23 (e) DEFINITIONS.—Section 402A(h) of the Higher
24 Education Act of 1965 (20 U.S.C. 1070a–11(h)) is

1 amended by striking paragraph (4) and inserting the fol-
2 lowing:

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

5 “(A) an individual from a family whose ad-
6 justable gross income for the preceding year did
7 not exceed 150 percent of an amount equal to
8 the poverty level determined by using criteria of
9 poverty established by the Bureau of the Cen-
10 sus;

11 “(B) an individual from a family whose ad-
12 justable gross income, as reported on the indi-
13 vidual’s most recently completed Free Applica-
14 tion for Federal Student Aid, did not exceed
15 150 percent of an amount equal to the poverty
16 level determined by using criteria of poverty es-
17 tablished by the Bureau of the Census for that
18 year;

19 “(C) an individual who has been deter-
20 mined to be eligible for a Federal Pell Grant
21 under section 401; or

22 “(D) for grants authorized under section
23 402B and 402F of this chapter, a student who
24 is attending a school that had a percentage of
25 enrolled students who are identified students

1 (as defined in section 11(a)(1)(F)(i) of the
2 Richard B. Russell National School Lunch Act
3 (42 U.S.C. 1759a(a)(1)(F)(i)) that meets or ex-
4 ceeds the threshold described in section
5 11(a)(1)(F)(viii) of that Act during the school
6 year prior to the first year of the period for
7 which such grant is awarded.”.