

115TH CONGRESS
2D SESSION

S. 3535

To amend the Higher Education Act of 1965 to clarify the treatment of technical errors in applications for Federal TRIO programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 1 (legislative day, SEPTEMBER 28), 2018

Mr. TESTER (for himself, Mr. MERKLEY, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 to clarify the treatment of technical errors in applications for Federal TRIO programs, and for other purposes.

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 “Common Sense Oppor-
5 tunities Act”.

6 **SEC. 2. APPLICATION STATUS.**

7 Section 402A(c)(7) of the Higher Education Act of
8 1965 (20 U.S.C. 1070a–11(c)(7)) is amended—

1 (1) by striking “The Secretary shall inform
2 each entity operating programs” and inserting the
3 following:

4 “(A) IN GENERAL.—The Secretary shall
5 inform each entity operating programs”; and

6 (2) by adding at the end the following:

7 “(B) DEADLINE REVIEW.—Not later than
8 6 months after the date of enactment of the
9 Common Sense Opportunities Act, the Sec-
10 retary shall—

11 “(i) review the Department’s history
12 of complying with the not less than 8
13 month notification deadlines provided
14 under subparagraph (A), including in-
15 stances of when and why the Department
16 failed to meet such a deadline;

17 “(ii) identify whether such deadlines
18 could be better aligned with the program
19 year of entities operating programs under
20 this chapter to prevent disruption for such
21 entities and the services the entities pro-
22 vide; and

23 “(iii) adjust the Department’s proce-
24 dures based on the findings gained pursu-
25 ant to clauses (i) and (ii).

1 “(C) REPORT.—The Secretary shall sub-
2 mit a report to Congress on findings gained
3 pursuant to subparagraph (B) and any adjust-
4 ments made by the Department based on the
5 findings.”.

6 **SEC. 3. TREATMENT OF TECHNICAL ERRORS IN APPLICA-**
7 **TIONS.**

8 Section 402A(c)(8) of the Higher Education Act of
9 1965 (20 U.S.C. 1070a–11(c)(8)) is amended by adding
10 at the end the following:

11 “(D) TREATMENT OF TECHNICAL ERRORS
12 IN APPLICATIONS.—

13 “(i) IN GENERAL.—Except as pro-
14 vided in clause (ii), the Secretary may not
15 reject an application for a grant or con-
16 tract under this chapter solely because
17 such application contains a technical error.

18 “(ii) EXCEPTION.—The Secretary
19 may reject an application for a grant or
20 contract under this chapter solely because
21 such application contains a technical error
22 only if—

23 “(I) the Secretary provides notice
24 of the technical error by email and
25 phone to the primary contact person,

1 authorized representative, and project
2 director identified in the application
3 and, as part of such notice, specifi-
4 cally identifies the technical error in
5 the text of the application;

6 “(II) during a period of not
7 fewer than 7 business days after pro-
8 viding notice to the applicant under
9 subclause (I), and in accordance with
10 clause (iii), the Secretary allows the
11 applicant to submit a revised applica-
12 tion that corrects the technical error
13 identified in such notice; and

14 “(III) the applicant—

15 “(aa) does not submit to the
16 Secretary a revised application
17 that corrects the technical error
18 identified in the notice under
19 subclause (I) before the expira-
20 tion of the period described in
21 subclause (II); or

22 “(bb) submits to the Sec-
23 retary a revised application that
24 contains a new technical error or
25 does not correct the technical

1 error identified in the notice
2 under subclause (I).

3 “(iii) TREATMENT OF REVISED APPLI-
4 CATIONS.—The Secretary shall treat a re-
5 vised application submitted under clause
6 (ii)(II) in the same manner as a timely
7 submitted application that did not contain
8 the technical error corrected in such re-
9 vised application. The peer review score of
10 a revised application submitted under
11 clause (ii)(II) shall not be reviewable by
12 any officer or employee of the Department
13 of Education other than the Secretary.

14 “(iv) TECHNICAL ERROR DEFINED.—
15 In this subparagraph, the term ‘technical
16 error’ means a nonsubstantive error in an
17 application, including an error in for-
18 matted, spacing, number of pages, font
19 size or style, and an error in rounding or
20 any other typographical error in a pro-
21 posed budget.”.

22 **SEC. 4. NOTIFICATIONS TO CONGRESS.**

23 Section 402H of the Higher Education Act of 1965
24 (20 U.S.C. 1070a–18) is amended by adding at the end
25 the following:

1 “(e) NOTIFICATIONS TO CONGRESSIONAL OF-
2 FICES.—The Secretary shall notify each member office of
3 Congress at the time a grant or contract under this chap-
4 ter is awarded that—

5 “(1) identifies each entity that received a grant
6 or contract under this chapter during the period cov-
7 ered by the notification that is located in the State
8 of the member of Congress, in the case of a Senator,
9 or in the district of the member of Congress, in the
10 case of a Representative, and indicates the dollar
11 amount of each such grant or contract; and

12 “(2) identifies each entity that applied for, but
13 did not receive, a grant or contract under this chap-
14 ter during the period covered by the notification that
15 is located in the State of the member of Congress,
16 in the case of a Senator, or in the district of the
17 member of Congress, in the case of a Representa-
18 tive, and indicates the reason that the entity did not
19 receive the grant or contract for which it applied.”.

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