

118TH CONGRESS
1ST SESSION

S. 1397

To modify the Federal TRIO programs.

IN THE SENATE OF THE UNITED STATES

MAY 2, 2023

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 Health, Education, Labor, and Pensions

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 2023”.

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

9 (a) MINIMUM GRANTS.—Section 402A(b)(3) of the
10 Higher Education Act of 1965 (20 U.S.C. 1070a–
11 11(b)(3)) is amended—

1 (1) by striking “\$200,000” and inserting
2 “\$220,000”; and

3 (2) by striking “\$170,000” and inserting
4 “\$190,000”.

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

8 (1) in paragraph (2)(A)—

9 (A) in the subparagraph heading, by strik-
10 ing “PRIOR EXPERIENCE” and inserting
11 “PRIOR SUCCESS”;

12 (B) in the first sentence, by striking “prior
13 experience of high quality service delivery” and
14 inserting “prior success in achieving high qual-
15 ity service delivery”; and

16 (C) in the second sentence—

17 (i) by striking “prior experience shall
18 not” and inserting “prior success in
19 achieving high quality service delivery shall
20 not”; and

21 (ii) by striking “shall not be given
22 prior experience consideration” and insert-
23 ing “shall not be given such consider-
24 ation”;

1 (2) in paragraph (3)(A) by striking “prior expe-
2 rience” and inserting “prior success”;

3 (3) in paragraph (4)(A), in the second sentence,
4 by inserting “as well as first-generation college grad-
5 uates” after “readers”; and

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

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

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

23 “(B) TECHNICAL COMPONENTS OF APPLI-
24 CATIONS.—

1 “(i) ESTABLISHMENT AND TREAT-
2 MENT OF NONSUBSTANTIVE TECHNICAL
3 COMPONENTS OF APPLICATIONS.—With re-
4 spect to any competition for a grant under
5 this chapter, the Secretary may only estab-
6 lish voluntary page limit and formatting
7 requirements for grant applications and
8 may not reject grant applications that do
9 not meet those voluntary requirements.
10 The Secretary may suggest page limits and
11 formatting standards, (including with re-
12 spect to font size, font style, font type, line
13 spacing, paragraph justification, and page
14 margins), but may not use noncompliance
15 with these suggested requirements as a
16 basis to reject or penalize grant applica-
17 tions.

18 “(ii) IDENTIFICATION AND TREAT-
19 MENT OF TECHNICAL BUDGET ERRORS IN
20 APPLICATIONS.—

21 “(I) IN GENERAL.—With respect
22 to any competition for a grant under
23 this chapter, the Secretary may not
24 reject or penalize grant applications
25 on the basis of a typographical or

1 rounding error in a proposed budget
2 until the Secretary has given the ap-
3 plicant an opportunity for correction
4 in accordance with subclause (II).

5 “(II) NOTICE AND OPPORTUNITY
6 FOR CORRECTION.—The Secretary
7 shall provide notice and identification
8 of an error described in subclause (I)
9 by email and phone to the applicant
10 before awarding grants for each com-
11 petition. During a period of not fewer
12 than 14 days, the Secretary shall
13 allow the applicant to submit a re-
14 vised application that corrects the
15 identified error.

16 “(III) TREATMENT OF REVISED
17 APPLICATIONS.—The Secretary shall
18 treat the revised application in the
19 same manner as a timely submitted
20 application.

21 “(IV) FAILURE TO CORRECT.—If
22 an applicant has received a notice and
23 opportunity for correction of a typo-
24 graphical or rounding error in a pro-
25 posed budget in accordance with sub-

1 clause (II) and the applicant fails to
2 correct the error and submit a revised
3 application before the deadline de-
4 scribed in that subclause, the Sec-
5 retary may reject or penalize that
6 grant application.

7 “(C) REVIEW.—

8 “(i) REQUEST FOR REVIEW.—With
9 respect to any competition for a grant
10 under this chapter, an applicant may re-
11 quest a review if the applicant—

12 “(I) has evidence that a specific
13 technical, administrative, or scoring
14 error was made by the Department,
15 an agent of the Department, or a peer
16 reviewer, with respect to the scoring
17 or processing of a submitted applica-
18 tion; and

19 “(II) has otherwise met all of the
20 requirements for submission of the
21 application.

22 “(ii) ERROR MADE BY THE DEPART-
23 MENT.—In the case of evidence of error by
24 the Department or an agent of the Depart-
25 ment, other than a peer reviewer, the Sec-

1 retary shall review any evidence submitted
2 by the applicant and provide a timely re-
3 sponse to the applicant. All applicants, re-
4 gardless of score, shall have this right of
5 review. If the Secretary determines that an
6 error was made by the Department or an
7 agent of the Department, other than a
8 peer reviewer, the Secretary shall correct
9 the error and accordingly adjust the appli-
10 cant score.

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

13 “(I) IN GENERAL.—In the case
14 of evidence of error by a peer re-
15 viewer, a secondary review panel shall
16 automatically and promptly evaluate
17 the application for consideration in
18 the applicable grant competition upon
19 receipt of a request by any such appli-
20 cant. The Department shall allow this
21 right of review to any applicant that
22 scored five points or less below the
23 cut-off score. Examples of errors war-
24 ranting secondary review may in-
25 clude—

1 “(aa) points withheld for
2 criteria not required in statute,
3 regulation, or guidance governing
4 a program under this chapter or
5 the application for a grant for
6 such program; or

7 “(bb) information pertaining
8 to selection criteria that was in-
9 correctly determined to be miss-
10 ing from an application.

11 “(II) TIMELY REVIEW AND RE-
12 PLACEMENT SCORE.—The secondary
13 review panel described in subclause (I)
14 shall conduct a secondary review in a
15 timely fashion, and the score resulting
16 from the secondary review shall re-
17 place the score from the initial peer
18 review.

19 “(III) COMPOSITION OF SEC-
20 ONDARY REVIEW PANEL.—The sec-
21 ondary review panel shall be composed
22 of reviewers each of whom—

23 “(aa) did not review the ap-
24 plication in the original peer re-
25 view;

1 “(bb) is a member of the co-
2 hort of peer reviewers for the
3 grant program that is the subject
4 of such secondary review; and

5 “(cc) to the extent prac-
6 ticable, has conducted peer re-
7 views in not less than 2 previous
8 competitions for the grant pro-
9 gram that is the subject of such
10 secondary review.

11 “(IV) FINAL SCORE.—The final
12 peer review score of an application
13 subject to a secondary review under
14 this clause shall promptly be adjusted
15 appropriately using the score awarded
16 by the secondary review panel, so as
17 not to interfere with the timely award-
18 ing of grants for the applicable grant
19 competition.

20 “(iv) FINALITY.—

21 “(I) IN GENERAL.—A determina-
22 tion by the Secretary under clause (ii)
23 shall not be reviewable by any officer
24 or employee of the Department other
25 than the Secretary.

1 “(II) SCORING.—The score
2 awarded by a secondary review panel
3 under clause (iii) shall not be review-
4 able by any officer or employee of the
5 Department other than the Secretary.

6 “(V) FUNDING OF APPLICATIONS
7 WITH CERTAIN ADJUSTED SCORES.—Appli-
8 cations with scores that are adjusted up-
9 ward under clause (ii) or (iii) that equal or
10 exceed the minimum cut-off score for the
11 applicable grant competition shall be fund-
12 ed by the Secretary using general or ad-
13 ministrative funds available to the Sec-
14 retary other than those funds appropriated
15 or allocated for the programs authorized
16 by this chapter.”.

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

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

1 (1) in paragraph (1)—

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

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

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

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

11 “(F) for grants authorized under section
12 402B and 402F of this chapter, documentation
13 that a student is attending a school that had a
14 percentage of enrolled students who are identi-
15 fied students (as defined in section
16 11(a)(1)(F)(i) of the Richard B. Russell Na-
17 tional School Lunch Act (42 U.S.C.
18 1759a(a)(1)(F)(i))) that meets or exceeds the
19 threshold described in section 11(a)(1)(F)(viii)
20 of that Act during the school year prior to the
21 first year of the period for which such grant is
22 awarded.”; and

23 (2) in paragraph (2)—

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

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

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

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

8 “(F) for grants authorized under section
9 402B and 402F of this chapter, documentation
10 that a student is attending a school that had a
11 percentage of enrolled students who are identi-
12 fied students (as defined in section
13 11(a)(1)(F)(i) of the Richard B. Russell Na-
14 tional School Lunch Act (42 U.S.C.
15 1759a(a)(1)(F)(i))) that meets or exceeds the
16 threshold described in section 11(a)(1)(F)(viii)
17 of that Act during the school year prior to the
18 first year of the period for which such grant is
19 awarded.”.

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

23 (1) in paragraph (1)—

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

4 (B) by striking “January 1, 2009” and in-
5 serting “the date of enactment of the Edu-
6 cational Opportunity and Success Act of 2023”;
7 and

8 (C) by striking “prior experience of” and
9 inserting “prior success in achieving”; and
10 (2) in paragraph (3)—

11 (A) in subparagraph (A)—

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

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

22 (iii) inserting after clause (iv), the fol-
23 lowing:

24 “(v) the completion of financial aid
25 applications, including the Free Applica-

1 tion for Federal Student Aid described in
2 section 483(a) and college admissions ap-
3 plications”;

4 (B) in subparagraph (B)—

5 (i) in the matter preceding clause (i),
6 by inserting “except in the case of pro-
7 grams that are specifically designed for
8 veterans,” after “402C”;

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

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

19 (iv) inserting after clause (v), the fol-
20 lowing:

21 “(vi) the completion of financial aid
22 applications, including the Free Applica-
23 tion for Federal Student Aid described in
24 section 483(a) and college admissions ap-
25 plications;”;

1 (C) by redesignating subparagraphs (C)
2 through (E) as subparagraphs (D) through (F),
3 respectively;

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

6 “(C) For programs authorized under sec-
7 tion 402C that are specifically designed for vet-
8 erans, the extent to which the eligible entity
9 met or exceeded the entity’s objectives for such
10 program regarding—

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

16 “(ii) such students’ academic perform-
17 ance as measured by standardized tests;

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

20 “(iv) the provision of assistance to
21 students served by the program in com-
22 pleting financial aid applications, including
23 the Free Application for Federal Student
24 Aid described in section 483(a) and college
25 admission applications;

1 “(v) the enrollment of such students
2 in an institution of higher education; and

3 “(vi) to the extent practicable, the
4 postsecondary completion of such stu-
5 dents;”;

6 (E) in subparagraph (D), as redesignated
7 by subparagraph (C), by striking clause (ii) and
8 inserting the following:

9 “(ii)(I) in the case of an entity that is
10 an institution of higher education offering
11 a baccalaureate degree, the extent to which
12 the entity met or exceeded the entity’s ob-
13 jectives regarding the percentage of such
14 students’ completion of a baccalaureate de-
15 gree at any baccalaureate granting institu-
16 tion within 6 years of initial enrollment in
17 the project; or

18 “(II) in the case of an entity that is
19 an institution of higher education that does
20 not offer a baccalaureate degree, the extent
21 to which such students met or exceeded—

22 “(aa) the entity’s objective re-
23 garding the transfer of such students
24 to institutions of higher education
25 that offer baccalaureate degrees, re-

1 regardless of whether the transferring
2 student completes a degree or certifi-
3 cate; and

4 “(bb) the entity’s objective re-
5 garding the completion of a degree or
6 certificate by such students at the in-
7 stitution or any accredited institution
8 within 4 years of initial enrollment in
9 the project;”;

10 (F) by amending subparagraph (E), as re-
11 designated by subparagraph (C), to read as fol-
12 lows:

13 “(E) For programs authorized under sec-
14 tion 402E, the extent to which the entity met
15 or exceeded—

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

21 “(ii) the entity’s objective regarding
22 the provision of appropriate scholarly and
23 research activities for the students served
24 by the program;

1 “(iii) the entity’s objective regarding
2 the acceptance and enrollment of such stu-
3 dents in graduate programs within 2 years
4 of receiving the baccalaureate degree;

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

8 “(v) the entity’s objective regarding
9 the attainment of doctoral degrees by
10 former program participants within 10
11 years of receiving the baccalaureate de-
12 gree.”; and

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

15 (i) in clause (i), by inserting “within
16 2 years of participation in the program”
17 after “such diploma or equivalent”; and

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

20 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
21 402A(g) of the Higher Education Act of 1965 (20 U.S.C.
22 1070a–11(g)) is amended to read as follows:

23 “(g) AUTHORIZATION OF APPROPRIATIONS.—For the
24 purpose of making grants and contracts under this chap-
25 ter, 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.”.

10 (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:

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

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

22 “(B) an individual from a family whose ad-
23 justable gross income, as reported on the indi-
24 vidual’s most recently completed Free Applica-
25 tion for Federal Student Aid, did not exceed

1 150 percent of an amount equal to the poverty
2 level determined by using criteria of poverty es-
3 tablished by the Bureau of the Census for that
4 year;

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

8 “(D) for grants authorized under section
9 402B and 402F of this chapter, a student who
10 is attending a school that had a percentage of
11 enrolled students who are identified students
12 (as defined in section 11(a)(1)(F)(i) of the
13 Richard B. Russell National School Lunch Act
14 (42 U.S.C. 1759a(a)(1)(F)(i))) that meets or
15 exceeds the threshold described in section
16 11(a)(1)(F)(viii) of that Act during the school
17 year prior to the first year of the period for
18 which such grant is awarded.”.

19 **SEC. 3. UPWARD BOUND.**

20 Section 402C of the Higher Education Act of 1965
21 (20 U.S.C. 1070a–13) is amended—

22 (1) in subsection (d)—

23 (A) in paragraph (6), by striking “and”
24 after the semicolon;

1 (B) by redesignating paragraph (7) as
2 paragraph (8);

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

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

10 (D) in paragraph (8), as redesignated by
11 subparagraph (B), by striking “or paragraphs
12 (1) through (6)” and inserting “or paragraphs
13 (1) through (7)”;
14 (2) in subsection (f)—

15 (A) by striking “\$60” and inserting
16 “\$90”;

17 (B) by striking “\$300” and inserting
18 “\$450”;

19 (C) by striking “\$40” and inserting
20 “\$60”; and

21 (D) by adding at the end the following:
22 “Adults participating in a project that is spe-
23 cifically designed for veterans under this section
24 may be paid stipends not in excess of \$100 per
25 month during the year.”; and

1 (3) by striking subsection (g) and redesignating
2 subsection (h) as subsection (g).

3 **SEC. 4. POSTBACCALAUREATE ACHIEVEMENT PROGRAM**

4 **AUTHORITY.**

5 Section 402E of the Higher Education Act of 1965
6 (20 U.S.C. 1070a–15) is amended—

7 (1) in subsection (b)(2), by striking “summer
8 internships” and inserting “internships or faculty-
9 led research experiences”;

10 (2) in subsection (d)(4), by striking “summer
11 research internships” and inserting “research intern-
12 ships or faculty-led research experiences”;

13 (3) in subsection (f)(1), by striking “\$2,800”
14 and inserting “\$4,000”;

15 (4) by redesignating subsection (g) as sub-
16 section (h); and

17 (5) by inserting after subsection (f) the fol-
18 lowing:

19 “(g) DETERMINATION OF NEED.—A stipend pro-
20 vided to a student under subsection (f)(1) shall not be con-
21 sidered in determining that student’s need for grant or
22 work assistance under this title, except that in no case
23 shall the total amount of student financial assistance

- 1 awarded to a student under this title exceed that student's
- 2 cost of attendance, as defined in section 472.”.

○