

117TH CONGRESS  
1ST SESSION

# H. R. 5711

To modify the Federal TRIO programs.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2021

Mr. DAVIDSON introduced the following bill; which was referred to the  
Committee on Education and Labor

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## 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 2021”.

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”; and

(2) 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

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

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

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

24 “(II) NOTICE AND OPPORTUNITY  
25 FOR CORRECTION.—The Secretary

1 shall provide notice and identification  
2 of an error described in subclause (I)  
3 by email and phone to the applicant  
4 before awarding grants for each com-  
5 petition. During a period of not fewer  
6 than 14 days, the Secretary shall  
7 allow the applicant to submit a re-  
8 vised application that corrects the  
9 identified error.

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

15 “(IV) FAILURE TO CORRECT.—If  
16 an applicant has received a notice and  
17 opportunity for correction of a typo-  
18 graphical or rounding error in a pro-  
19 posed budget in accordance with sub-  
20 clause (II) and the applicant fails to  
21 correct the error and submit a revised  
22 application before the deadline de-  
23 scribed in that subclause, the Sec-  
24 retary may reject or penalize that  
25 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

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

11           (1) in paragraph (1)—

12                   (A) in the paragraph heading, by striking  
 13                   “PRIOR EXPERIENCE” and inserting “PRIOR  
 14                   SUCCESS”;

15                   (B) by striking “January 1, 2009” and in-  
 16                   serting “the date of enactment of the Edu-  
 17                   cational Opportunity and Success Act of 2021”;  
 18                   and

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

21           (2) in paragraph (3)—

22                   (A) in subparagraph (A)—

23                           (i) in clause (iv), by striking “that will  
 24                           make such students eligible for programs  
 25                           such as the Academic Competitiveness

1 Grants Program” and inserting “that in-  
2 cludes at least 4 years of mathematics, 3  
3 years of science, and 2 years of a foreign  
4 language”;

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

8 (iii) inserting after clause (iv), the fol-  
9 lowing:

10 “(v) the completion of financial aid  
11 applications, including the Free Applica-  
12 tion for Federal Student Aid described in  
13 section 483(a) and college admissions ap-  
14 plications”;

15 (B) in subparagraph (B)—

16 (i) in the matter preceding clause (i),  
17 by inserting “except in the case of pro-  
18 grams that are specifically designed for  
19 veterans,” after “402C”;

20 (ii) in clause (v), by striking “that will  
21 make such students eligible for programs  
22 such as the Academic Competitiveness  
23 Grants Program” and inserting “that in-  
24 cludes at least 4 years of mathematics, 3

1 years of science, and 2 years of a foreign  
2 language”;

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

6 (iv) inserting after clause (v), the fol-  
7 lowing:

8 “(vi) the completion of financial aid  
9 applications, including the Free Applica-  
10 tion for Federal Student Aid described in  
11 section 483(a) and college admissions ap-  
12 plications;”;

13 (C) by redesignating subparagraphs (C)  
14 through (E) as subparagraphs (D) through (F),  
15 respectively;

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

18 “(C) For programs authorized under sec-  
19 tion 402C that are specifically designed for vet-  
20 erans, the extent to which the eligible entity  
21 met or exceeded the entity’s objectives for such  
22 program regarding—

23 “(i) the delivery of service to a total  
24 number of students served by the program,

1 as agreed upon by the entity and the Sec-  
2 retary for the period of the program;

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

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

7 “(iv) the provision of assistance to  
8 students served by the program in com-  
9 pleting financial aid applications, including  
10 the Free Application for Federal Student  
11 Aid described in section 483(a) and college  
12 admission applications;

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

15 “(vi) to the extent practicable, the  
16 postsecondary completion of such stu-  
17 dents;”;

18 (E) in subparagraph (D), as redesignated  
19 by subparagraph (C), by striking clause (ii) and  
20 inserting the following:

21 “(ii)(I) in the case of an entity that is  
22 an institution of higher education offering  
23 a baccalaureate degree, the extent to which  
24 the entity met or exceeded the entity’s ob-  
25 jectives regarding the percentage of such

1 students' completion of a baccalaureate de-  
2 gree at any baccalaureate granting institu-  
3 tion within 6 years of initial enrollment in  
4 the project; or

5 “(II) in the case of an entity that is  
6 an institution of higher education that does  
7 not offer a baccalaureate degree, the extent  
8 to which such students met or exceeded—

9 “(aa) the entity's objective re-  
10 garding the transfer of such students  
11 to institutions of higher education  
12 that offer baccalaureate degrees, re-  
13 gardless of whether the transferring  
14 student completes a degree or certifi-  
15 cate; and

16 “(bb) the entity's objective re-  
17 garding the completion of a degree or  
18 certificate by such students at the in-  
19 stitution or any accredited institution  
20 within 4 years of initial enrollment in  
21 the project;”;

22 (F) by amending subparagraph (E), as re-  
23 designated by subparagraph (C), to read as fol-  
24 lows:



1           “(E) For programs authorized under sec-  
2           tion 402E, the extent to which the entity met  
3           or exceeded—

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

9                   “(ii) the entity’s objective regarding  
10                  the provision of appropriate scholarly and  
11                  research activities for the students served  
12                  by the program;

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

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

20                  “(v) the entity’s objective regarding  
21                  the attainment of doctoral degrees by  
22                  former program participants within 10  
23                  years of receiving the baccalaureate de-  
24                  gree.”; and

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

3 (i) in clause (i), by inserting “within  
 4 2 years of participation in the program”  
 5 after “such diploma or equivalent”; and

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

8 (f) 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 \$1,100,000,000 for fiscal year 2022 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 (g) 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  
 4 exceeds 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.”.

8 **SEC. 3. UPWARD BOUND.**

9 Section 402C(f) of the Higher Education Act of 1965  
 10 (20 U.S.C. 1070a–13(f)) is amended—

- 11 (1) by striking “\$60” and inserting “\$90”;
- 12 (2) by striking “\$300” and inserting “\$450”;
- 13 (3) by striking “\$40” and inserting “\$60”; and
- 14 (4) by adding at the end the following: “Adults  
 15 participating in a project that is specifically designed  
 16 for veterans under this section may be paid stipends  
 17 not in excess of \$100 per month during the year.”

18 **SEC. 4. POSTBACCALAUREATE ACHIEVEMENT PROGRAM**

19 **AUTHORITY.**

20 Section 402E of the Higher Education Act of 1965  
 21 (20 USC 1070a–15) is amended—

- 22 (1) in subsection (b)(2), by striking “summer  
 23 internships” and inserting “internships or faculty-  
 24 led research experiences”;

1           (2) in subsection (d)(4), by striking “summer  
2       research internships” and inserting “research intern-  
3       ships or faculty-led research experiences”; and  
4           (3) in subsection (f)(1), by striking “\$2,800”  
5       and inserting “\$4,000”.

○