

**Higher Education Act of 1965, 1998 Higher Education Act Amendments**  
**Subpart 2—Federal Early Outreach and Student Services Programs**  
**CHAPTER 1—FEDERAL TRIO PROGRAMS SEC. 402A. 20 U.S.C. 1070a–11**

**PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.**

- (a) **GRANTS AND CONTRACTS AUTHORIZED.**—The Secretary shall, in accordance with the provisions of this chapter, carry out a program of making grants and contracts designed to identify qualified individuals from disadvantaged backgrounds, to prepare them for a program of postsecondary education, to provide support services for such students who are pursuing programs of postsecondary education, to motivate and prepare students for doctoral programs, and to train individuals serving or preparing for service in programs and projects so designed.
- (b) **RECIPIENTS, DURATION, AND SIZE.**—
- (1) **RECIPIENTS.**—For the purposes described in subsection(a), the Secretary is authorized, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), to make grants to, and contracts with, institutions of higher education, public and private agencies and organizations, combinations of such institutions, agencies and organizations, and in exceptional circumstances, secondary schools, for planning, developing, or carrying out one or more of the services assisted under this chapter.
- (2) **DURATION.**—Grants or contracts made under this chapter shall be awarded for a period of 4 years, except that—(A) the Secretary shall award such grants or contracts for 5 years to applicants whose peer review scores were in the highest 10 percent of scores of all applicants receiving grants or contracts in each program competition for the same award year; (B) grants made under section 402G shall be awarded for a period of 2 years; and (C) grants under section 402H shall be awarded for a period determined by the Secretary.
- (3) **MINIMUM GRANTS.**—Unless the institution or agency requests a smaller amount, individual grants under this chapter shall be no less than—
- (A) \$170,000 for programs authorized by sections 402D and 402G;
  - (B) \$180,000 for programs authorized by sections 402B and 402F; and
  - (C) \$190,000 for programs authorized by sections 402C and 402E.
- (c) **PROCEDURES FOR AWARDING GRANTS AND CONTRACTS.**—
- (1) **APPLICATION REQUIREMENTS.**—An eligible entity that desires to receive a grant or contract under this chapter shall submit an application to the Secretary in such manner and form, and containing such information and assurances, as the Secretary may reasonably require.
- (2) **PRIOR EXPERIENCE.**—In making grants under this chapter, the Secretary shall consider each applicant's prior experience of service delivery under the particular program for which funds are sought. The level of consideration given the factor of prior experience shall not vary from the level of consideration given such factor during fiscal years 1994 through 1997, except that grants made under section 402H shall not be given prior experience consideration.
- (3) **ORDER OF AWARDS; PROGRAM FRAUD.**—
- (A) Except with respect to grants made under sections 402G and 402H and as provided in subparagraph the Secretary shall award grants and contracts under this chapter in the

order of the scores received by the application for such grant or contract in the peer review process required under paragraph (4) and adjusted for prior experience in accordance with paragraph (2) of this subsection.

- (B) The Secretary is not required to provide assistance to a program otherwise eligible for assistance under this chapter, if the Secretary has determined that such program has involved the fraudulent use of funds under this chapter.

(4) PEER REVIEW PROCESS.—

(A) The Secretary shall ensure that, to the extent practicable, members of groups underrepresented in higher education, including African Americans, Hispanics, Native Americans, Alaska Natives, Asian Americans, and Native American Pacific Islanders (including Native Hawaiians), are represented as readers of applications submitted under this chapter. The Secretary shall also ensure that persons from urban and rural backgrounds are represented as readers.

(B) The Secretary shall ensure that each application submitted under this chapter is read by at least three readers who are not employees of the Federal Government (other than as readers of applications) .

(5) NUMBER OF APPLICATIONS FOR GRANTS AND CONTRACTS.—The Secretary shall not limit the number of applications submitted by an entity under any program authorized under this chapter if the additional applications describe programs serving different populations or campuses.

(6) COORDINATION WITH OTHER PROGRAMS FOR DISADVANTAGED STUDENTS.—

The Secretary shall encourage coordination of programs assisted under this chapter with other programs for disadvantaged students operated by the sponsoring institution or agency, regardless of the funding source of such programs. The Secretary shall not limit an entity's eligibility to receive funds under this chapter because such entity sponsors a program similar to the program to be assisted under this chapter, regardless of the funding source of such program. The Secretary shall permit the Director of a program receiving funds under this chapter to administer one or more additional programs for disadvantaged students operated by the sponsoring institution or agency, regardless of the funding sources of such programs.

(7) APPLICATION STATUS.—The Secretary shall inform each entity operating programs under this chapter regarding the status of their application for continued funding at least 8 months prior to the expiration of the grant or contract. The Secretary, in the case of an entity that is continuing to operate a successful program under this chapter, shall ensure that the startup date for a new grant or contract for such program immediately follows the termination of the preceding grant or contract so that no interruption of funding occurs for such successful reapplicants. The Secretary shall inform each entity requesting assistance under this chapter for a new program regarding the status of their application at least 8 months prior to the proposed startup date of such program.

(d) OUTREACH.—

(1) IN GENERAL.—The Secretary shall conduct outreach activities to ensure that entities eligible for assistance under this chapter submit applications proposing programs that serve geographic areas and eligible populations which have been underserved by the programs assisted under this chapter.

(2) NOTICE.—In carrying out the provisions of paragraph(1), the Secretary shall notify the entities described in subsection(b) of the availability of assistance under this subsection not less than 120 days prior to the deadline for submission of applications under this chapter and shall consult national, State, and regional organizations about candidates for notification.

(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical training to applicants for projects and programs authorized under this chapter. The Secretary shall give priority to serving programs and projects that serve geographic areas and eligible populations which have been underserved by the programs assisted under this chapter. Technical training activities shall include the provision of information on authorizing legislation, goals and objectives of the program, required activities, eligibility requirements, the application process and application deadlines, and assistance in the development of program proposals and the completion of program applications. Such training shall be furnished at conferences, seminars, and workshops to be conducted at not less than 10 sites throughout the United States to ensure that all areas of the United States with large concentrations of eligible participants are served.

(4) SPECIAL RULE.—The Secretary may contract with eligible entities to conduct the outreach activities described in this subsection.

(e) DOCUMENTATION OF STATUS AS A LOW-INCOME INDIVIDUAL.—

(1) Except in the case of an independent student, as defined in section 480(d), documentation of an individual's status pursuant to subsection (g)

(2) shall be made by providing the Secretary with—

- (A) A signed statement from the individual's parent or legal guardian;
- (B) Verification from another governmental source;
- (C) A signed financial aid application; or
- (D) A signed United States or Puerto Rico income tax return.

(2) In the case of an independent student, as defined in section 480(d), documentation of an individual's status pursuant to subsection (g)(2) shall be made by providing the Secretary with—

- (A) A signed statement from the individual;
- (B) Verification from another governmental source;
- (C) A signed financial aid application; or
- (D) A signed United States or Puerto Rico income tax return.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants and contracts under this chapter, there are authorized to be appropriated \$700,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years. Of the amount appropriated under this chapter, the Secretary may use no more than one half of 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. In expending these funds, the Secretary shall give priority to the additional administrative requirements provided in the Higher Education Amendments of 1992, to outreach activities, and to obtaining additional readers. The Secretary shall report to Congress by October 1, 1994, on the use of these funds.

(f) DEFINITIONS.—For the purpose of this chapter:

(1) FIRST GENERATION COLLEGE STUDENT.—The term “first-generation college student” means—

- (A) An individual both of whose parents did not complete a baccalaureate degree; or

(B) In the case of any individual who regularly resided with and received support from only one parent, an individual whose only such parent did not complete a baccalaureate degree.

(2) **LOW-INCOME INDIVIDUAL.**—The term “low-income individual” means an individual from a family whose taxable 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 Census.

(3) **VETERAN ELIGIBILITY.**—No veteran shall be deemed ineligible to participate in any program under this chapter by reason of such individual’s age who—

(A) served on active duty for a period of more than 180 days, any part of which occurred after January 31, 1955, and was discharged or released therefrom under conditions other than dishonorable; or

(B) served on active duty after January 31, 1955, and was discharged or released therefrom because of a service connected disability.

(4) **WAIVER.**—The Secretary may waive the service requirements in subparagraph (A) or (B) of paragraph (3) if the Secretary determines the application of the service requirements to a veteran will defeat the purpose of a program under this chapter.

**Sec. 402B HIGHER EDUCATION ACT OF 1965**  
**SEC. 402B. 20 U.S.C. 1070a–12 TALENT SEARCH.**

(a) **PROGRAM AUTHORITY.**—The Secretary shall carry out a program to be known as talent search which shall be designed—

(1) To identify qualified youths with potential for education at the postsecondary level and to encourage such youths to complete secondary school and to undertake a program of postsecondary education;

(2) To publicize the availability of student financial assistance available to persons who pursue a program of postsecondary education; and

(3) To encourage persons who have not completed programs of education at the secondary or postsecondary level, but who have the ability to complete such programs, to reenter such programs.

(b) **PERMISSIBLE SERVICES.**—Any talent search project assisted under this chapter may provide services such as—

(1) Academic advice and assistance in secondary school and college course selection;

(2) Assistance in completing college admission and financial aid applications;

(3) Assistance in preparing for college entrance examinations;

(4) Guidance on and assistance in secondary school reentry, entry to general educational development (GED) programs, other alternative education programs for secondary school dropouts, or postsecondary education;

(5) Personal and career counseling, or activities designed to acquaint individuals from disadvantaged backgrounds with careers in which the individuals are particularly underrepresented;

(6) Tutorial services;

(7) Exposure to college campuses as well as cultural events, academic programs and other sites or activities not usually available to disadvantaged youth;

(8) Workshops and counseling for families of students served;

- (9) Mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons; and
- (10) Programs and activities as described in paragraphs (1) through (9) which are specially designed for students of limited English proficiency.

(c) **REQUIREMENTS FOR APPROVAL OF APPLICATIONS.**—In approving applications for talent search projects under this chapter for any fiscal year the Secretary shall—

- (1) Require an assurance that not less than two-thirds of the individuals participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;
- (2) Require that such participants be persons who either have completed 5 years of elementary education or are at least 11 years of age but not more than 27 years of age, unless the imposition of any such limitation with respect to any person would defeat the purposes of this section or the purposes of section 402F;
- (3) Require an assurance that individuals participating in the project proposed in the application do not have access to services from another project funded under this section or under section 402F; and
- (4) Require an assurance that the project will be located in a setting accessible to the persons proposed to be served by the project.

**Sec. 402C HIGHER EDUCATION ACT OF 1965 SEC. 402C. 20 U.S.C. 1070a-13 UPWARD BOUND.**

(a) **PROGRAM AUTHORITY.**—

The Secretary shall carry out a program to be known as upward bound which shall be designed to generate skills and motivation necessary for success in education beyond secondary school.

(b) **PERMISSIBLE SERVICES.**—Any upward bound project assisted under this chapter may provide services such as—

- (1) Instruction in reading, writing, study skills, mathematics, and other subjects necessary for success beyond secondary school;
- (2) Counseling and workshops;
- (3) Academic advice and assistance in secondary school course selection;
- (4) Tutorial services;
- (5) Exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth;
- (6) Activities designed to acquaint youths participating in the project with the range of career options available to them;
- (7) Instruction designed to prepare youths participating in the project for careers in which persons from disadvantaged backgrounds are particularly underrepresented;
- (8) On campus residential programs;
- (9) Mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons;
- (10) Work-study positions where youth participating in the project are exposed to careers requiring a postsecondary degree;
- (11) Special services to enable veterans to make the transition to postsecondary education; and
- (12) programs and activities as described in paragraphs (1) through (11) which are specially designed for students of limited English proficiency.

(c) **REQUIRED SERVICES.**—Any upward bound project assisted under this chapter which has received funding for two or more years shall include, as part of the core curriculum in the next and

succeeding years, instruction in mathematics through pre-calculus, laboratory science, foreign language, composition, and literature.

(d) REQUIREMENTS FOR APPROVAL OF APPLICATIONS.—In approving applications for upward bound projects under this chapter for any fiscal year, the Secretary shall—

- (1) Require an assurance that not less than two-thirds of the youths participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;
- (2) Require an assurance that the remaining youths participating in the project proposed to be carried out under any application be either low-income individuals or first generation college students;
- (3) Require that there be a determination by the institution, with respect to each participant in such project that the participant has a need for academic support in order to pursue successfully a program of education beyond secondary school; and
- (4) Require that such participants be persons who have completed 8 years of elementary education and are at least 13 years of age but not more than 19 years of age, unless the imposition of any such limitation would defeat the purposes of this section

(e) MAXIMUM STIPENDS.—Youths participating in a project proposed to be carried out under any application may be paid stipends not in excess of \$60 per month during June, July, and August, except that youth participating in a work-study position under subsection(b)(10) may be paid a stipend of \$300 per month during June, July, and August. Youths participating in a project proposed to be carried out under any application may be paid stipends not in excess of \$40 per month during the remaining period of the year.

**Sec. 402D HIGHER EDUCATION ACT OF 1965 SEC. 402D. 20 U.S.C. 1070a–14 STUDENT SUPPORT SERVICES.**

(a) PROGRAM AUTHORITY.—The Secretary shall carry out a program to be known as student support services which shall be designed—

- (1) To increase college retention and graduation rates for eligible students;
- (2) To increase the transfer rates of eligible students from 2-year to 4-year institutions; and
- (3) To foster an institutional climate supportive of the success of low-income and first generation college students and individuals with disabilities.

(b) PERMISSIBLE SERVICES.—A student support services project assisted under this chapter may provide services such as—

- (1) Instruction in reading, writing, study skills, mathematics, and other subjects necessary for success beyond secondary school;
- (2) Personal counseling;
- (3) Academic advice and assistance in course selection;
- (4) Tutorial services and counseling and peer counseling;
- (5) Exposure to cultural events and academic programs not usually available to disadvantaged students;
- (6) Activities designed to acquaint students participating in the project with the range of career options available to them;
- (7) Activities designed to assist students participating in the project in securing admission and financial assistance for enrollment in graduate and professional programs;
- (8) Activities designed to assist students currently enrolled in 2-year institutions in securing admission and financial assistance for enrollment in a four-year program of postsecondary education;
- (9) Mentoring programs involving faculty or upper class students, or a combination thereof; and

(10) Programs and activities as described in paragraphs (1) through (9) which are specially designed for students of limited English proficiency.

(c) **REQUIREMENTS FOR APPROVAL OF APPLICATIONS.**—In approving applications for student support services projects under this chapter for any fiscal year, the Secretary shall—

- (1) Require an assurance that not less than two-thirds of the persons participating in the project proposed to be carried out under any application—
  - (A) be individuals with disabilities; or
  - (B) be low-income individuals who are first generation college students;
- (2) Require an assurance that the remaining students participating in the project proposed to be carried out under any application be low-income individuals, first generation college students, or individuals with disabilities;
- (3) Require an assurance that not less than one-third of the individuals with disabilities participating in the project be low-income individuals;
- (4) Require that there be a determination by the institution, with respect to each participant in such project, that the participant has a need for academic support in order to pursue successfully a program of education beyond secondary school;
- (5) Require that such participants be enrolled or accepted for enrollment at the institution which is the recipient of the grant or contract; and
- (6) Consider, in addition to such other criteria as the Secretary may prescribe, the institution's effort, and where applicable past history, in—
  - (A) Providing sufficient financial assistance to meet the full financial need of each student in the project; and
  - (B) Maintaining the loan burden of each such student at a manageable level.

**14 Sec. 402E HIGHER EDUCATION ACT OF 1965 SEC. 402E. 20 U.S.C. 1070a-15A  
POSTBACCALAUREATE ACHIEVEMENT PROGRAM AUTHORITY.**

(a) **PROGRAM AUTHORITY.**—The Secretary shall carry out a program to be known as the “Ronald E. McNair Postbaccalaureate Achievement Program” that shall be designed to provide disadvantaged college students with effective preparation for doctoral study.

(b) **SERVICES.**—A post-baccalaureate achievement project assisted under this section may provide services such as—

- (1) Opportunities for research or other scholarly activities at the institution or at graduate centers designed to provide students with effective preparation for doctoral study;
- (2) Summer internships;
- (3) Seminars and other educational activities designed to prepare students for doctoral study;
- (4) Tutoring;
- (5) Academic counseling;
- (6) Activities designed to assist students participating in the project in securing admission to and financial assistance for enrollment in graduate programs;
- (7) Mentoring programs involving faculty members at institutions of higher education, students, or any combination of such persons; and
- (8) Exposure to cultural events and academic programs not usually available to disadvantaged students.

(c) **REQUIREMENTS.**—In approving applications for post-baccalaureate achievement projects assisted under this section for any fiscal year, the Secretary shall require—

- (1) An assurance that not less than two-thirds of the individuals participating in the project proposed to be carried out under any application be low income individuals who are first-generation college students;

- (2) An assurance that the remaining persons participating in the project proposed to be carried out be from a group that is underrepresented in graduate education;
- (3) An assurance that participants be enrolled in a degree program at an eligible institution having an agreement with the Secretary in accordance with the provisions of section 487; and
- (4) An assurance that participants in summer research internships have completed their sophomore year in postsecondary education.

(d) AWARD CONSIDERATIONS.—In addition to such other selection criteria as may be prescribed by regulations, the Secretary shall consider in making awards to institutions under this section—

- (1) The quality of research and other scholarly activities in which students will be involved;
- (2) The level of faculty involvement in the project and the description of the research in which students will be involved; and
- (3) The institution's plan for identifying and recruiting participants including students enrolled in projects authorized under this section.

(e) MAXIMUM STIPENDS.—Students participating in research under a post-baccalaureate achievement project may receive an award that—

- (1) Shall include a stipend not to exceed \$2,800 per annum; and
- (2) May include, in addition, the costs of summer tuition, summer room and board, and transportation to summer programs.

(f) FUNDING.—From amounts appropriated pursuant to the authority of section 402A(f), the Secretary shall, to the extent practicable, allocate funds for projects authorized by this section in an amount which is not less than \$11,000,000 for each of the fiscal years 1993 through 1997.

**Sec. 402F HIGHER EDUCATION ACT OF 1965 SEC. 402F. 20 U.S.C. 1070a-16  
EDUCATIONAL OPPORTUNITY CENTERS.**

(a) PROGRAM AUTHORITY; SERVICES PROVIDED.—The Secretary shall carry out a program to be known as educational opportunity centers which shall be designed—

- (1) To provide information with respect to financial and academic assistance available for individuals desiring to pursue a program of postsecondary education; and
- (2) To provide assistance to such persons in applying for admission to institutions at which a program of postsecondary education is offered, including preparing necessary applications for use by admissions and financial aid officers.

(b) PERMISSIBLE SERVICES.—An educational opportunity center assisted under this section may provide services such as—

- (1) Public information campaigns designed to inform the community regarding opportunities for postsecondary education and training;
- (2) Academic advice and assistance in course selection;
- (3) Assistance in completing college admission and financial aid applications;
- (4) Assistance in preparing for college entrance examinations;
- (5) Guidance on secondary school reentry or entry to a general educational development (GED) program or other alternative education programs for secondary school dropouts;
- (6) Personal counseling;
- (7) Tutorial services;
- (8) Career workshops and counseling;



- (9) Mentoring programs involving elementary or secondary school teachers, faculty members at institutions of higher education, students, or any combination of such persons; and
- (10) programs and activities as described in paragraphs (1) through (9) which are specially designed for students of limited English proficiency.

(c) **REQUIREMENTS FOR APPROVAL OF APPLICATIONS.**—In approving applications for educational opportunity centers under this section for any fiscal year the Secretary shall—

- (1) Require an assurance that not less than two-thirds of the persons participating in the project proposed to be carried out under any application be low income individuals who are first generation college students;
- (2) Require that such participants be persons who are at least nineteen years of age, unless the imposition of such limitation with respect to any person would defeat the purposes of this section or the purposes of section 402B; and
- (3) Require an assurance that individuals participating in the project proposed in the application do not have access to services from another project funded under this section or under section 402B.

**Sec. 402G HIGHER EDUCATION ACT OF 1965 SEC. 402G. 20 U.S.C. 1070a–17 STAFF DEVELOPMENT ACTIVITIES.**

(a) **SECRETARY’S AUTHORITY.**—For the purpose of improving the operation of the programs and projects authorized by this chapter, the Secretary is authorized to make grants to institutions of higher education and other public and private nonprofit institutions and organizations to provide training for staff and leadership personnel employed in, participating in, or preparing for employment in, such programs and projects.

(b) **CONTENTS OF TRAINING PROGRAMS.**—Such training shall include conferences, internships, seminars, workshops, and the publication of manuals designed to improve the operation of such programs and projects and shall be carried out in the various regions of the Nation in order to ensure that the training opportunities are appropriate to meet the needs in the local areas being served by such programs and projects. Such training shall be offered annually for new directors of projects funded under this chapter as well as annually on the following topics and other topics chosen by the Secretary:

- (1) Legislative and regulatory requirements for the operation of programs funded under this chapter.
- (2) Assisting students in receiving adequate financial aid from programs assisted under this title and other programs.
- (3) The design and operation of model programs for projects funded under this chapter.
- (4) The use of appropriate educational technology in the operation of projects assisted under this chapter.

(c) **CONSULTATION.**—Grants for the purposes of this section shall be made only after consultation with regional and State professional associations of persons having special knowledge with respect to the needs and problems of such programs and projects.

**Sec. 404A HIGHER EDUCATION ACT OF 1965 SEC. 402H. 20 U.S.C. 1070a–18 EVALUATIONS AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION PARTNERSHIP PROJECTS.**

(a) **EVALUATIONS.**—

(1) **IN GENERAL.**—For the purpose of improving the effectiveness of the programs and projects assisted under this chapter, the Secretary may make grants to or enter into contracts with institutions of higher education and other public and private institutions and organizations to evaluate the effectiveness of the programs and projects assisted under this chapter.

(2) **PRACTICES.**—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in enhancing the access of low-income individuals and first-generation college students to postsecondary education, the preparation of the individuals and students for postsecondary education, and the success of the individuals and students in postsecondary education. Such evaluations shall also investigate the effectiveness of alternative and innovative methods within Federal TRIO programs of increasing access to, and retention of, students in postsecondary education.

(b) **GRANTS.**—The Secretary may award grants to institutions of higher education or other private and public institutions and organizations, that are carrying out a program or project assisted under this chapter prior to the date of enactment of the Higher Education Amendments of 1998, to enable the institutions and organizations to expand and leverage the success of such programs or projects by working in partnership with other institutions, community based organizations, or combinations of such institutions and organizations, that are not receiving assistance under this chapter and are serving low-income students and first generation college students, in order to—

(1) Disseminate and replicate best practices of programs or projects assisted under this chapter; and

(2) Provide technical assistance regarding programs and projects assisted under this chapter.

(c) **RESULTS.**—In order to improve overall program or project effectiveness, the results of evaluations and grants described in this section shall be disseminated by the Secretary to similar programs or projects assisted under this subpart, as well as other individuals concerned with postsecondary access for and retention of low-income individuals and first-generation college students.