

**Congress of the United States**  
**Washington, DC 20515**

December 3, 2021

The Honorable Miguel Cardona  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-8510

RE: University of Maine at Farmington's GEAR UP Grant Application

Dear Secretary Cardona,

We are writing to express our concern about the Department of Education's rejection of the University of Maine at Farmington's (UMF) fiscal year 2021 application for funding for its Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) state program, leaving Maine as one of seven states with no further GEAR UP funding moving forward. Specifically, we are troubled by indications that, in its award decisions, the Department appeared to depart from its statutory requirements. While it is the Department's job to decide which program applications to fund, the Department must do so in the manner required by law.

In addition, we are concerned that the total level of funding the Department awarded to state programs fell significantly short of the level the Department estimated in its public notice and the budget justification it submitted to Congress just five months prior.

GEAR UP Maine has prepared economically disadvantaged students in Maine for college by providing tutoring, mentoring, academic and career counseling, and exposure to college campuses. Many of the participants of the program go on to earn college scholarships. Seven-year grants allowed the program to follow cohorts of seventh graders through the first year of their post-secondary experience.

UMF has administered GEAR UP Maine since 1999. It is a long-standing, effective, and greatly needed program as Maine has one of the most rural school systems in the country. Since 2007, Maine's state GEAR UP program has served approximately 29,000 students. In the application it submitted this year, UMF had planned to partner with a Federal Reserve Bank of Boston program to encourage workforce development in Maine's heritage industries.

Given the significant negative impact the Department's decision not to fund GEAR UP Maine will have for students in our state, we are concerned about ways that the Department's award

announcements appear to depart from the program's statute and request for proposals earlier this year. These discrepancies are detailed below, along with questions. We ask that you respond to the questions below by December 17, 2021.

1. The statutory authorization for GEAR UP requires that, "In making awards to eligible entities described in subsection (c)(1) [i.e., States], the Secretary shall—(A) give priority to eligible entities that—(i) on the day before August 14, 2008, carried out successful educational opportunity programs under this division (as this division was in effect on such day)."<sup>1</sup> One of this year's state grants was awarded to Shippensburg University,<sup>2</sup> which last month described itself as a "new" administrator of the program.<sup>3</sup>

Given that Shippensburg University apparently wasn't carrying out a GEAR UP program before 2008, why was it awarded a grant instead of other states' entities that the statute required to be given priority over it? What steps will you take to rectify this?

2. On April 28, the Department's 2021 GEAR UP application notice estimated 11 awards totaling \$35.6 million<sup>4</sup> for states this past year, in Fiscal Year 2021.<sup>5</sup> On May 28, the Department repeated this estimate in the Fiscal Year 2022 Budget Justification it submitted to Congress.<sup>6</sup> Only four grants were actually awarded, however, and they totaled only \$14.1 million. That's less than 40 percent of the estimated awards and award funding. This severely undermines the confidence that Congress can have in the Department's submitted Budget Justification and estimate for Fiscal Year 2022 awards.

Why was the awarded funding level for state GEAR UP grants so much lower than the Department's estimated funding level for the program? What is the Department doing to rectify these significant errors?

3. The statutory authorization for GEAR UP requires that: "In awarding grants from the amount appropriated under section 1070a-28 of this title for a fiscal year, the Secretary shall make available to eligible entities in section 1070a—21(c)(1) of this title [i.e., a State] not less than 33 percent of such amount."<sup>7</sup>

---

<sup>1</sup> [20 USC 1070a—21\(b\)\(3\)](#)

<sup>2</sup> U.S. Department of Education, "[Gaining Early Awareness and Readiness for Undergraduate Programs \(GEAR UP\): Awards.](#)"

<sup>3</sup> Shippensburg University, "[Ship takes the lead in new enrollment pathways with GEAR UP grant.](#)" October 19, 2021. Accessed November 2, 2021.

<sup>4</sup> [FR Doc. 2021-08980, p. 22644.](#)

<sup>5</sup> U.S. Department of Education, "[Gaining Early Awareness and Readiness for Undergraduate Programs \(GEAR UP\): Awards.](#)"

<sup>6</sup> U.S. Department of Education, "[President's FY 2022 Budget Request for the U.S. Department of Education](#)" (Higher Education, p. 110).

<sup>7</sup> [20 U.S.C. 1070—22\(a\)](#)

How does the Department interpret this statutory requirement? If the statutory language requires at least 33 percent of each year's award funding to go to state programs, then it appears that the Department violated this requirement by awarding less than 20 percent of this year's award funding to state programs.

Thank you for your consideration of this matter, and we look forward to your response.

Respectfully,

A handwritten signature in blue ink, reading "Jared F. Golden".

Jared F. Golden  
Member of Congress

A handwritten signature in blue ink, reading "Susan M. Collins".

Susan M. Collins  
United States Senator

A handwritten signature in blue ink, reading "Angus S. King, Jr.". The signature is stylized with a large "A" and "K".

Angus S. King, Jr.  
United States Senator

A handwritten signature in blue ink, reading "Chellie Pingree". The signature is stylized with a large "C" and "P".

Chellie Pingree  
Member of Congress