
H. R. # / H. J. Res. #


Member's Signature

Rep. Elijah E. Cummings

Member's Name (printed)

Constitutional Authority Statement

To accompany:

FAFSA Fairness Act of 2018

Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18



(Original Signature of Member)

115TH CONGRESS
2^D SESSION

H. R. _____

To amend the Higher Education Act of 1965 to amend the process by which students with certain special circumstances apply for Federal financial aid.

IN THE HOUSE OF REPRESENTATIVES

Mr. CUMMINGS introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Higher Education Act of 1965 to amend the process by which students with certain special circumstances apply for Federal financial aid.

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 “FAFSA Fairness Act
5 of 2018”.

6 **SEC. 2. CHANGES TO THE FAFSA FOR CERTAIN STUDENTS.**

7 Section 483 of the Higher Education Act of 1965 (20
8 U.S.C. 1090) is amended—

1 (1) in subsection (h)(1), by inserting the fol-
2 lowing before the semicolon: “, including the special
3 circumstances under which a student may qualify for
4 a determination of independence”; and

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

6 “(i) PROVISIONAL INDEPENDENT STUDENTS.—

7 “(1) REQUIREMENTS FOR THE SECRETARY.—

8 The Secretary shall—

9 “(A) enable each student who, based on
10 the special circumstance specified in subsection
11 (h)(1), may qualify for an adjustment under
12 section 479A that will result in a determination
13 of independence under such section and section
14 480(d)(1)(I), to complete the forms developed
15 by the Secretary under subsection (a) as an
16 independent student for the purpose of an ini-
17 tial determination of the student’s Federal fi-
18 nancial aid award by a financial aid adminis-
19 trator at an institution of higher education to
20 which the student is applying for financial aid,
21 but subject to verification under paragraph
22 (2)(B) for the purpose of the final determina-
23 tion of the award; and

24 “(B) specify, on the forms, the con-
25 sequences under section 490(a) of knowingly

1 and willfully completing the forms as an inde-
2 pendent student under subparagraph (A) with-
3 out meeting the special circumstances to qualify
4 for such a determination.

5 “(2) REQUIREMENTS FOR FINANCIAL AID AD-
6 MINISTRATORS.—With respect to a student who
7 completes the forms as an independent student
8 under paragraph (1)(A), a financial aid adminis-
9 trator shall—

10 “(A) provide an initial determination of
11 the student’s Federal financial aid award to the
12 student in the same manner as, and by not
13 later than the date that, the administrator pro-
14 vides other independent students their initial
15 determinations of Federal financial aid awards;
16 and

17 “(B) in making a final determination of
18 the student’s Federal financial aid award, use
19 the discretion provided under sections 479A
20 and 480(d)(1)(I) to verify whether the student
21 meets the special circumstances to qualify as an
22 independent student.

23 “(3) DEFINITION.—For purposes of this sub-
24 section, the term ‘other independent students’ means
25 students—

1 “(A) who meet the definition of ‘inde-
2 pendent’ under section 480(d)(1); and

3 “(B) whose independent status is not sub-
4 ject to verification by a financial aid adminis-
5 trator under paragraph (2)(B).”.