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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

To amend the Higher Education Act of 1965 to reduce the complexity and length of the Free Application for Federal Student Aid (FAFSA).

IN THE HOUSE OF REPRESENTATIVES

Mrs. MCBATH introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Higher Education Act of 1965 to reduce the complexity and length of the Free Application for Federal Student Aid (FAFSA).

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 “HOPE (Heightening
5 Opportunities for Pathways to Education) for FAFSA
6 Act”.

1 **SEC. 2. EXPECTED FAMILY CONTRIBUTION.**

2 (a) DATA ELEMENTS.—Section 474(b) of the Higher
3 Education Act of 1965 (20 U.S.C. 1087nn(b)) is amended
4 in paragraph (4), by inserting before “the net” the fol-
5 lowing: “only in the case of a pathway three applicant,”.

6 (b) DEPENDENT STUDENTS.—Section 475 of such
7 Act (20 U.S.C. 1087oo) is amended—

8 (1) in subsection (a)(3), by inserting before
9 “the student” the following: “only in the case of a
10 pathway three applicant,”;

11 (2) in subsection (b)(1)(B), by inserting before
12 “the parents’” the following: “only in the case of a
13 pathway three applicant,”; and

14 (3) in subsection (b)(3), by striking “award pe-
15 riod” and inserting “award year”.

16 (c) INDEPENDENT STUDENTS WITHOUT DEPEND-
17 ENTS OTHER THAN A SPOUSE.—Section 476(a)(1)(B) of
18 such Act (20 U.S.C. 1087pp(a)(1)(B)) is amended by in-
19 serting before “the family’s contribution” the following:
20 “only in the case of a pathway three applicant,”.

21 (d) INDEPENDENT STUDENTS WITH DEPENDENTS
22 OTHER THAN A SPOUSE.—Section 477(a)(1)(B) of such
23 Act (20 U.S.C. 1087qq(a)(1)(B)) is amended by inserting
24 before “the family’s contribution” the following: “only in
25 the case of a pathway three applicant,”.

1 **SEC. 3. ZERO EXPECTED FAMILY CONTRIBUTION.**

2 Section 479 of the Higher Education Act of 1965 (20
3 U.S.C. 1087ss) is amended to read as follows:

4 **“SEC. 479. ZERO EXPECTED FAMILY CONTRIBUTION.**

5 “(a) IN GENERAL.—The Secretary shall consider an
6 applicant to have an expected family contribution equal
7 to zero if—

8 “(1) in the case of a dependent student—

9 “(A)(i) the student’s parents are not re-
10 quired to file—

11 “(I) a Federal income tax return;

12 or

13 “(II) with respect to Internal
14 Revenue Service Form 1040, any of
15 the following forms: Schedule A,
16 Schedule B, Schedule C, Schedule C-
17 EZ, Schedule D, Schedule E, Sched-
18 ular F, Schedule H, Schedule J, and
19 Schedule SE; and

20 “(ii) the sum of the adjusted gross in-
21 come of the parents is less than or equal
22 to \$34,000; or

23 “(B) the student’s parents, or the student,
24 received a benefit at some time during the pre-
25 vious 24-month period under a means-tested
26 Federal benefit program;

1 “(2) in the case of an independent student
2 without regard to whether the student has depend-
3 ents other than a spouse—

4 “(A)(i) the student (and the student’s
5 spouse, if any) certifies—

6 “(I) that the student (and the
7 student’s spouse, if any)—

8 “(aa) is not required to file
9 a Federal income tax return; or

10 “(bb) with respect to Inter-
11 nal Revenue Service Form 1040,
12 any of the following forms:
13 Schedule A, Schedule B, Sched-
14 ular C, Schedule C–EZ, Schedule
15 D, Schedule E, Schedule F,
16 Schedule H, Schedule J, and
17 Schedule SE; and

18 “(ii) the sum of the adjusted gross in-
19 come of the student and spouse (if appro-
20 priate) is less than or equal to \$34,000; or

21 “(B) the student received a benefit at some
22 time during the previous 24-month period
23 under a means-tested Federal benefit program;
24 or

1 “(3) the applicant is a pathway one applicant
2 under section 483(a)(13).

3 “(b) EARNED INCOME CREDIT.—An individual is not
4 required to qualify or file for the earned income credit in
5 order to be eligible under this section.

6 “(c) ADJUSTMENTS.—The Secretary shall annually
7 adjust the income level necessary to qualify an applicant
8 for the zero expected family contribution. The income level
9 shall be annually increased by the estimated percentage
10 change in the Consumer Price Index, as defined in section
11 478(f), for the most recent calendar year ending prior to
12 the beginning of an award year, and rounded up to the
13 nearest \$1,000.

14 “(d) MEANS-TESTED FEDERAL BENEFIT PROGRAM
15 DEFINED.—For purposes of this paragraph, a ‘means-
16 tested Federal benefit program’ means a mandatory
17 spending program of the Federal Government, other than
18 a program under this title, in which eligibility for the pro-
19 gram’s benefits, or the amount of such benefits, are deter-
20 mined on the basis of income or resources of the individual
21 or family seeking the benefit, and may include such pro-
22 grams as—

23 “(1) the supplemental security income program
24 under title XVI of the Social Security Act (42
25 U.S.C. 1381 et seq.);

1 “(2) the supplemental nutrition assistance pro-
2 gram under the Food and Nutrition Act of 2008 (7
3 U.S.C. 2011 et seq.), a nutrition assistance program
4 carried out under section 19 of such Act (7 U.S.C.
5 2028), and a supplemental nutrition assistance pro-
6 gram carried out under section 1841(c) of title 48
7 of the United States Code;

8 “(3) the program of block grants for States for
9 temporary assistance for needy families established
10 under part A of title IV of the Social Security Act
11 (42 U.S.C. 601 et seq.);

12 “(4) the special supplemental nutrition program
13 for women, infants, and children established by sec-
14 tion 17 of the Child Nutrition Act of 1966 (42
15 U.S.C. 1786);

16 “(5) the State Medicaid program under title
17 XIX of the Social Security Act (42 U.S.C. 1396 et
18 seq.); and

19 “(6) any other program identified by the Sec-
20 retary.”.

21 **SEC. 4. FAFSA PATHWAYS.**

22 Section 483(a) of the Higher Education Act of 1965
23 (20 U.S.C. 1090) is amended by adding at the end the
24 following:

25 “(13) FAFSA PATHWAYS.—

1 “(A) MEMORANDUM OF UNDER-
2 STANDING.—Not later than the first day of the
3 first award year beginning after the first Octo-
4 ber after the date of enactment of this Act, the
5 Secretary shall seek to enter into a Memo-
6 randum of Understanding with the Secretary of
7 Health and Human Services, the Secretary of
8 Agriculture, and the Secretary of the Treasury,
9 under which any information exchanged under
10 an income and eligibility verification system es-
11 tablished pursuant to section 1137 of the Social
12 Security Act by State agencies administering a
13 program listed in paragraph (1), (4), or (5) of
14 subsection (b) of such section which may be of
15 use in establishing or verifying eligibility or
16 benefit amounts under such program shall be
17 made available to the Secretary of Education to
18 assist in determining whether the applicant (or,
19 in the case of a dependent applicant, whether
20 the applicant or the applicant’s parents) re-
21 ceived a benefit at some time during the pre-
22 vious 24-month period under a means-tested
23 Federal benefit program, but subject to the re-
24 quirements of Federal law.

1 “(B) REQUIREMENT FOR ALL APPLICANTS
2 AND THE SECRETARY.—For any award year for
3 which an applicant applies for financial assist-
4 ance under this title—

5 “(i) the applicant shall provide on the
6 form described in this subsection whether
7 the applicant received (or, in the case of a
8 dependent applicant, whether the applicant
9 or the parents of the applicant received) a
10 benefit at some time during the previous
11 24-month period under a means-tested
12 Federal benefit program; and

13 “(ii) the Secretary, to the extent prac-
14 ticable and pursuant to the Memorandum
15 of Understanding entered into under sub-
16 paragraph (A), and without any further
17 action by the applicant, shall verify the ap-
18 plicant’s (or, in the case of a dependent
19 applicant, the applicant’s or the applicant’s
20 parents) receipt of such benefit.

21 “(C) PATHWAY ONE APPLICANTS.—

22 “(i) IN GENERAL.—With respect to an
23 applicant who received (or, in the case of
24 a dependent applicant, an applicant who
25 received or whose parents received) a ben-

1 efit at some time during the previous 24-
2 month period under a means-tested Fed-
3 eral benefit program, the applicant shall
4 not be required to provide any further in-
5 come or asset information on the form
6 under this subsection.

7 “(ii) DESIGNATION.—For purposes of
8 this section and part F, an applicant de-
9 scribed in clause (i) shall be referred to as
10 a ‘pathway one applicant’.

11 “(D) PATHWAY TWO APPLICANTS.—

12 “(i) IN GENERAL.—With respect to an
13 applicant who is not a pathway one appli-
14 cant and is described in clause (ii), the
15 Secretary, to the extent practicable, shall
16 use the data retrieval tool under section
17 484(q) to obtain any information for the
18 applicant beyond the information described
19 in subparagraph (A) for purposes of the
20 form under this subsection.

21 “(ii) REQUIREMENTS.—An applicant
22 described in this clause is an applicant who
23 certifies that—

24 “(I) the applicant is not required
25 to file or, in the case of a dependent

1 applicant, no parent of the applicant
2 is required to file—

3 “(aa) a Federal income tax
4 return; or

5 “(bb) with respect to Inter-
6 nal Revenue Service Form 1040,
7 any of the following forms:
8 Schedule A, Schedule B, Sched-
9 ular C, Schedule C–EZ, Schedule
10 D, Schedule E, Schedule F,
11 Schedule H, Schedule J, and
12 Schedule SE; and

13 “(II) the sum of the adjusted
14 gross income of the applicant or, in
15 the case of a dependent applicant, the
16 parents of the applicant, is less than
17 or equal to \$60,000.

18 “(iii) DESIGNATION.—For purposes of
19 this section and part F, an applicant de-
20 scribed in clause (i) shall be referred to as
21 a ‘pathway two applicant’.

22 “(E) PATHWAY THREE APPLICANTS.—

23 “(i) IN GENERAL.—With respect to an
24 applicant who is not a pathway one appli-
25 cant or a pathway two applicant, the Sec-

1 retary, to the extent practicable, shall use
2 the data retrieval tool under section 484(q)
3 to obtain any information for the applicant
4 beyond the information described in sub-
5 paragraph (A) for purposes of the form
6 under this subsection.

7 “(ii) DESIGNATION.—For purposes of
8 this section and part F, an applicant de-
9 scribed in clause (i) shall be referred to as
10 a ‘pathway three applicant’.

11 “(F) MEANS-TESTED FEDERAL BENEFIT
12 PROGRAM DEFINED.—For purposes of this
13 paragraph, the term ‘means-tested Federal ben-
14 efit program’ has the meaning given the term
15 in section 479(d).”.