

116TH CONGRESS
1ST SESSION

H. R. 4245

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

SEPTEMBER 9, 2019

Mrs. MCBATH (for herself and Mr. GARCÍA of Illinois) introduced the following bill; which was referred to the Committee on Education and Labor

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”.

7 **SEC. 2. EXPECTED FAMILY CONTRIBUTION.**

8 (a) DATA ELEMENTS.—Section 474(b) of the Higher
9 Education Act of 1965 (20 U.S.C. 1087nn(b)) is amended

1 in paragraph (4), by inserting before “the net” the fol-
 2 lowing: “only in the case of a pathway three applicant,”.

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

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

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

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

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

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

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

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

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

2 “(a) IN GENERAL.—The Secretary shall consider an
3 applicant to have an expected family contribution equal
4 to zero if—

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

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

8 “(I) a Federal income tax return;

9 or

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

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

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

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

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

3 “(I) that the student (and the
4 student’s spouse, if any)—

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

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

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

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

22 “(3) the applicant is a pathway one applicant
23 under section 483(a)(13).

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

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

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

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

24 “(2) the supplemental nutrition assistance pro-
25 gram under the Food and Nutrition Act of 2008 (7

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

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

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

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

17 “(6) any other program identified by the Sec-
 18 retary.”.

19 **SEC. 4. FAFSA PATHWAYS.**

20 Section 483(a) of the Higher Education Act of 1965
 21 (20 U.S.C. 1090) is amended by adding at the end the
 22 following:

23 “(13) FAFSA PATHWAYS.—

24 “(A) MEMORANDUM OF UNDER-
 25 STANDING.—Not later than the first day of the

1 first award year beginning after the first Octo-
2 ber after the date of enactment of this Act, the
3 Secretary shall seek to enter into a Memo-
4 randum of Understanding with the Secretary of
5 Health and Human Services, the Secretary of
6 Agriculture, and the Secretary of the Treasury,
7 under which any information exchanged under
8 an income and eligibility verification system es-
9 tablished pursuant to section 1137 of the Social
10 Security Act by State agencies administering a
11 program listed in paragraph (1), (4), or (5) of
12 subsection (b) of such section which may be of
13 use in establishing or verifying eligibility or
14 benefit amounts under such program shall be
15 made available to the Secretary of Education to
16 assist in determining whether the applicant (or,
17 in the case of a dependent applicant, whether
18 the applicant or the applicant's parents) re-
19 ceived a benefit at some time during the pre-
20 vious 24-month period under a means-tested
21 Federal benefit program, but subject to the re-
22 quirements of Federal law.

23 “(B) REQUIREMENT FOR ALL APPLICANTS
24 AND THE SECRETARY.—For any award year for

1 which an applicant applies for financial assist-
2 ance under this title—

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

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

19 “(C) PATHWAY ONE APPLICANTS.—

20 “(i) IN GENERAL.—With respect to an
21 applicant who received (or, in the case of
22 a dependent applicant, an applicant who
23 received or whose parents received) a ben-
24 efit at some time during the previous 24-
25 month period under a means-tested Fed-

1 eral benefit program, the applicant shall
2 not be required to provide any further in-
3 come or asset information on the form
4 under this subsection.

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

9 “(D) PATHWAY TWO APPLICANTS.—

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

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

22 “(I) the applicant is not required
23 to file or, in the case of a dependent
24 applicant, no parent of the applicant
25 is required to file—

1 “(aa) a Federal income tax
2 return; or

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

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

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

20 “(E) PATHWAY THREE APPLICANTS.—

21 “(i) IN GENERAL.—With respect to an
22 applicant who is not a pathway one appli-
23 cant or a pathway two applicant, the Sec-
24 retary, to the extent practicable, shall use
25 the data retrieval tool under section 484(q)

1 to obtain any information for the applicant
2 beyond the information described in sub-
3 paragraph (A) for purposes of the form
4 under this subsection.

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

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

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