

115TH CONGRESS  
2D SESSION

# H. R. 5390

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2018

Mr. CUMMINGS introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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).”.

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