

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).

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## 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

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## 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 ular 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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