

116TH CONGRESS
1ST SESSION

H. R. 4584

To amend the Higher Education Act of 1965 to repeal the suspension of eligibility for assistance under title IV due to drug-related offenses.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2019

Ms. BASS (for herself, Mr. DANNY K. DAVIS of Illinois, Mr. VARGAS, Mr. TRONE, Ms. JACKSON LEE, Mr. HASTINGS, Ms. MOORE, Mr. POCAN, Ms. NORTON, Mr. BISHOP of Georgia, Mr. KENNEDY, Ms. MENG, Ms. PRESSLEY, Mr. EVANS, Ms. ROYBAL-ALLARD, Mr. CÁRDENAS, Ms. LEE of California, Mrs. WATSON COLEMAN, Ms. FUDGE, Mr. RUSH, Ms. JOHNSON of Texas, Mr. BROWN of Maryland, Mrs. HAYES, Mr. PAYNE, Mr. THOMPSON of Mississippi, Mr. CLAY, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. CRIST, Mr. ROUDA, Mr. YOUNG, Mr. JOHNSON of Georgia, Mr. SERRANO, Ms. BARRAGÁN, Mr. GARCÍA of Illinois, and Ms. JUDY CHU of California) 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 repeal the suspension of eligibility for assistance under title IV due to drug-related offenses.

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 “Financial Aid Fairness
5 for Students Act” or the “FAFSA Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Expanding the ability of low- and middle-in-
4 come borrowers to pursue higher education is critical
5 to reversing decades of exclusionary policies that
6 have adversely impacted people of color.

7 (2) Under current law, individuals with drug-re-
8 lated offenses are precluded from accessing Federal
9 grants, loans, and work-study aid pursuant to sec-
10 tion 484(r) of the Higher Education Act of 1965
11 (20 U.S.C. 1091(r)), commonly referred to as the
12 “Aid Elimination Penalty”.

13 (3) The Free Application for Federal Student
14 Aid (FAFSA) screens applicants for Federal finan-
15 cial aid based on her or his history of drug offenses.

16 (4) Given that criminal sentencing laws in the
17 United States disproportionately impact racial mi-
18 norities and low-income communities, the Aid Elim-
19 nation Penalty may disproportionately hinder these
20 same groups from accessing Federal financial aid.

21 (5) Recognizing that an educated citizenry is
22 the powerhouse of the Nation, that higher education
23 allows Americans to access well-paying jobs, health-
24 care, strong interpersonal relationships and a higher
25 quality of life, the Federal Government should incen-

1 tivize the pursuit of higher education while ensuring
2 equality of opportunity.

3 **SEC. 3. REPEAL OF SUSPENSION OF ELIGIBILITY UNDER**
4 **THE HIGHER EDUCATION ACT OF 1965 FOR**
5 **GRANTS, LOANS, AND WORK ASSISTANCE FOR**
6 **DRUG-RELATED OFFENSES.**

7 (a) REPEAL.—Subsection (r) of section 484 of the
8 Higher Education Act of 1965 (20 U.S.C. 1091(r)) is re-
9 pealed.

10 (b) REVISION OF FAFSA FORM.—Section 483 of the
11 Higher Education Act of 1965 (20 U.S.C. 1090) is
12 amended by adding at the end the following:

13 “(i) CONVICTIONS.—The Secretary
14 shall not include any question about the
15 conviction of an applicant for the posses-
16 sion or sale of illegal drugs on the FAFSA
17 (or any other form developed under sub-
18 section (a)).”.

19 (c) CONFORMING AMENDMENTS.—The Higher Edu-
20 cation Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

21 (1) in section 428(b)(3) (20 U.S.C.
22 1078(b)(3))—

23 (A) in subparagraph (C), by striking
24 “485(l)” and inserting “485(k)”; and

1 (B) in subparagraph (D), by striking
2 “485(l)” and inserting “485(k)”;

3 (2) in section 435(d)(5) (20 U.S.C.
4 1085(d)(5))—

5 (A) in subparagraph (E), by striking
6 “485(l)” and inserting “485(k)”;

7 (B) in subparagraph (F), by striking
8 “485(l)” and inserting “485(k)”;

9 (3) in section 484 (20 U.S.C. 1091)—

10 (A) by striking subsection (r); and

11 (B) by redesignating subsections (s) and
12 (t) as subsections (r) and (s), respectively;

13 (4) in section 485 (20 U.S.C. 1092)—

14 (A) by striking subsection (k); and

15 (B) by redesignating subsections (l) and
16 (m) as subsections (k) and (l), respectively; and

17 (5) in section 487(e)(2)(B)(ii)(IV) (20 U.S.C.

18 1094(e)(2)(B)(ii)(IV)), by striking “(l) of section
19 485” and inserting “(k) of section 485”.

○