

115TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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 SENATE OF THE UNITED STATES

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Mr. CARDIN (for himself and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on

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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).”.