

Technical Changes in H.R. 11214

Mr. Speaker:

I recently introduced HR 11214, a bill to amend certain provisions of the Higher Education Act of 1965 as they relate to HEW's determination of independent student status. At this time, I am reintroducing the bill, in order that I may make a slight technical change in the married student provision that will add to the legislation's effectiveness.

The revised version of the bill reads as follows.

95th CONGRESS

2nd SESSION

H.R.

12644

(Original signature of Member)

IN THE HOUSE OF REPRESENTATIVES

Mr. AuCoin introduced the following bill; which was referred
to the Committee on

A BILL

(Insert title of bill here)

to amend section 411 of the Higher Education Act of 1965 with
regard to determinations of independent student status, and
for other purposes.

- 1 *Be it enacted by the Senate and House of Representatives of the United*
2 *States of America in Congress assembled,* That subparagraph (C) of
3 section 411(a)(3) of the Higher Education Act of 1965 is
4 amended-
- 5 (1) by inserting "(i)" after "(C)";
6 (2) by striking out the last sentence of such
7 subparagraph and inserting in lieu thereof the
8 following;
- 9 "(ii) Such special regulations shall be consistent
10 with the basic criteria set forth in division (ii) of
12 subparagraph (B) and shall-

1 "(I) not bar a student for eligibility for
2 independent status on the basis of the student's
3 receipt of family assistance if such student has not
4 and will not receive financial assistance from his or
5 her parents or guardians during the calendar year
6 prior to the period for which aid is requested or
7 during such period in an amount greater than the
8 dependent deduction then available for purposes of
9 Federal income taxation;

10 "(II) consider as relevant to any such eligi-
11 bility the claiming of an exemption for purposes
12 of such taxation for such student for only the cal-
13 endar year for which aid is requested and the imme-
14 diately preceding calendar year;

15 "(III) determine residency, for the purpose of
16 determining such eligibility, on the basis of the
17 maintenance of a separate residence from any parent or
18 guardian for a minimum of 46 weeks within the 12-month
19 period immediately preceding the period for which aid
20 is requested, and not on the duration of cohabitation
21 with any parent or guardian;

22 "(IV) in the case of any married student, con-
23 sider as relevant to such eligibility for any period
24 after commencement of the marriage only the factors
25 stated in clauses (II) and (III) of this subdivision

1 with respect to such period;

2 "(V) in the case of any student who, on the basis
3 of each of the factors stated in clauses (I), (II),
4 and (III) of this subdivision, would have been
5 eligible for such status in any prior academic year
6 preceding the year for which aid is requested,
7 consider as relevant to such eligibility for such year
8 only the factors stated in clause (II); and

9 "(VI) not take into consideration the income or
10 assets of parents or guardians in computing the
11 expected family contribution or the effective family
12 income of any student who is determined to be inde-
13 pendent of parental support."

14 Sec. 2. The Commissioner of Education shall, within 60
15 days after the date of enactment of this Act, promulgate
16 regulations to implement the amendments made by the first
17 section of this Act and shall concurrently promulgate
18 amendments to make consistent with such amendments any
19 regulations used to determine independent student status
20 under any other program authorized by title IV of the Higher
21 Education Act of 1965.