

117TH CONGRESS
1ST SESSION

S. 1440

To make technical corrections to the FAFSA Simplification Act.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2021

Ms. HASSAN (for herself and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To make technical corrections to the FAFSA Simplification Act.

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 Simplification
5 Technical Corrections Act”.

6 **SEC. 2. EARLY IMPLEMENTATION OF FAFSA SIMPLIFICA-**
7 **TION.**

8 (a) FAFSA SIMPLIFICATION ACT.—The FAFSA
9 Simplification Act (title VII of division FF of Public Law
10 116–260) is amended—

1 (1) in section 702—

2 (A) in subsection (n), by adding at the end
3 the following:

4 “(3) IMPLEMENTATION.—In carrying out the
5 amendments made by paragraph (1)(A)(i), and
6 paragraph (1)(A)(iv) to add subsection (s) to section
7 484 of the Higher Education Act of 1965, or any
8 regulations promulgated under such amendments,
9 the Secretary of Education may waive the applica-
10 tion of—

11 “(A) subchapter I of chapter 35 of title 44,
12 United States Code (commonly known as the
13 ‘Paperwork Reduction Act’);

14 “(B) the master calendar requirements
15 under section 482 of the Higher Education Act
16 of 1965 (20 U.S.C. 1089);

17 “(C) negotiated rulemaking under section
18 492 of the Higher Education Act of 1965 (20
19 U.S.C. 1098a); and

20 “(D) the requirement to publish the no-
21 tices related to the system of records of the
22 agency before implementation required under
23 paragraphs (4) and (11) of section 552a(e) of
24 title 5, United States Code (commonly known
25 as the ‘Privacy Act of 1974’), except that the

1 notices shall be published not later than 180
 2 days after the date of implementation of the
 3 amendments, as determined in accordance with
 4 paragraph (2).”; and

5 (B) by adding at the end the following:

6 “(q) EARLY EFFECTIVE DATE; IMPLEMENTATION.—

7 “(1) EFFECTIVE DATE.—Notwithstanding sec-
 8 tion 701(b) of this title, the Secretary of Education
 9 may implement the amendment made by subsection
 10 (l)(1) of this section, which pertains only to foster
 11 youth and unaccompanied homeless youth, before
 12 (but not later than) July 1, 2023. The Secretary
 13 shall specify in a designation on what date, under
 14 what conditions, and for which award years the Sec-
 15 retary will implement such amendment prior to July
 16 1, 2023. The Secretary shall publish any designation
 17 under this paragraph in the Federal Register at
 18 least 60 days before implementation.

19 “(2) IMPLEMENTATION.—In carrying out the
 20 amendment made by made by subsection (l)(1) of
 21 this section, which pertains only to foster youth and
 22 unaccompanied homeless youth, or any regulations
 23 promulgated under such amendment, which pertains
 24 only to foster youth and unaccompanied homeless

1 youth, the Secretary of Education may waive the ap-
 2 plication of—

3 “(A) subchapter I of chapter 35 of title 44,
 4 United States Code (commonly known as the
 5 ‘Paperwork Reduction Act’);

6 “(B) the master calendar requirements
 7 under section 482 of the Higher Education Act
 8 of 1965 (20 U.S.C. 1089);

9 “(C) negotiated rulemaking under section
 10 492 of the Higher Education Act of 1965 (20
 11 U.S.C. 1098a); and

12 “(D) the requirement to publish the no-
 13 tices related to the system of records of the
 14 agency before implementation required under
 15 paragraphs (4) and (11) of section 552a(e) of
 16 title 5, United States Code (commonly known
 17 as the ‘Privacy Act of 1974’), except that the
 18 notices shall be published not later than 180
 19 days after the date of implementation of the
 20 amendment, as determined in accordance with
 21 paragraph (1).”; and

22 (2) in section 705, by adding at the end the fol-
 23 lowing:

24 “(c) IMPLEMENTATION.—In carrying out the repeal
 25 made by subsection (a), or any regulations promulgated

1 under such repeal, the Secretary of Education may waive
 2 the application of—

3 “(1) subchapter I of chapter 35 of title 44,
 4 United States Code (commonly known as the ‘Paper-
 5 work Reduction Act’);

6 “(2) the master calendar requirements under
 7 section 482 of the Higher Education Act of 1965
 8 (20 U.S.C. 1089);

9 “(3) negotiated rulemaking under section 492
 10 of the Higher Education Act of 1965 (20 U.S.C.
 11 1098a); and

12 “(4) the requirement to publish the notices re-
 13 lated to the system of records of the agency before
 14 implementation required under paragraphs (4) and
 15 (11) of section 552a(e) of title 5, United States
 16 Code (commonly known as the ‘Privacy Act of
 17 1974’), except that the notices shall be published not
 18 later than 180 days after the date of implementation
 19 of the repeal, as determined in accordance with sub-
 20 section (b).”.

21 (b) TECHNICAL AMENDMENT TO COST OF ATTEND-
 22 ANCE.—

23 (1) IN GENERAL.—Section 472(a)(13) of the
 24 Higher Education Act of 1965, as amended by sec-
 25 tion 702(b) of the FAFSA Simplification Act (title

1 VII of division FF of Public Law 116–260), is
2 amended by inserting “, or the average cost of any
3 such fee or premium, as applicable” after “on such
4 loan”.

5 (2) EFFECTIVE DATE.—The amendment made
6 by paragraph (1) shall take effect as if included in
7 section 702 of the FAFSA Simplification Act (title
8 VII of division FF of Public Law 116–260) and sub-
9 ject to the effective date of section 701(b) of such
10 Act.

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