

July 9, 2024

The Honorable Virginia Foxx
Chairwoman
Committee on Education & the Workforce
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Bobby Scott
Ranking Member
Committee on Education & the Workforce
U.S. House of Representatives
2101 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman Foxx and Ranking Member Scott:

The last nine months have been challenging for students and their families. Problems associated with implementing the overhaul of the Free Application for Federal Student Aid (FAFSA) have created significant confusion, frustration, and uncertainty for many of those applying for the financial aid they need to succeed in college. Therefore, we thank your Committee for its continued interest in getting the FAFSA back on track, especially for the upcoming 2025-26 cycle launching this fall. We write to comment on H.R. 8932, the *FAFSA Deadline Act*.

In normal years, we agree that the FAFSA should be required to launch no later than nine months before the start of the next award year—or by October 1—a timeline now made possible with the use of prior-prior year tax data. Therefore, we have also joined in coalition requests to the U.S. Department of Education (ED) asking the agency to do everything possible to launch a fully functional FAFSA on time this year. However, it has become clear in recent weeks that ED continues to confront technical issues that could interrupt the usability of the 2025-26 FAFSA.

Students and their families deserve a form that is available at all hours of the day, for all types of applicants, and results in the swift transfer of their information to the states and colleges that will develop their aid packages. We must rebuild trust with applicants, college access professionals, and financial aid administrators, all of whom need to see a reliable FAFSA for them to have confidence in the entire system of financial aid.

Therefore, we believe it is preferable to have the 2025-26 FAFSA launch be slightly delayed but be fully functional, over an on-time October 1 launch that comes with technical issues and glitches, if such a tradeoff is at hand for the upcoming award year. After the 2025-26 cycle, we support an October 1 launch date requirement, but we are concerned that implementing a rigid deadline less than three months away will force additional technical issues for applicants. Therefore, we request that you amend H.R. 8932 to **start the new deadline on October 1, 2025** (for the 2026-27 award year) and avoid legislative changes for the 2025-26 cycle.

Additionally, we request that the Committee require a public comment process for the 2026-27 award year and beyond by amending the applicable language in Section 483(a)(4) of the *Higher Education Act* (HEA). The public comment process is a vital opportunity for stakeholders, practitioners, and students to offer feedback on the design, wording, and format of the questions and help text. However, on June 17 of this year, ED announced that no public comment

would be offered for the 2025-26 FAFSA and that the form would instead “remain consistent” with the prior year. Given the outstanding issues that remain with the FAFSA, we understand this short-term decision, and we acknowledge a more open-ended Request for Information (RFI) process is expected this summer. However, an RFI does not have the same requirements for ED to review each comment, and it should not be the standard in future years.

One result of legislating an October 1 launch date for 2026-27 and beyond may be that the agency again declines to offer public comment. We hope that such a result can be prevented by requiring a public comment process like the one that exists for other ED forms and significant rules for the Title IV programs. The Committee may also wish to examine and strengthen the consumer testing language in Section 483(b)(2) of the HEA to ensure that it is conducted more frequently, transparently, and effectively—including by requiring information on who is involved in such testing and how it results in updates to the form.

Finally, we note other legislative opportunities to increase the awareness and uptake of federal financial aid. The recipients of public and tax benefit programs—such as the Supplemental Nutrition Assistance Program and Earned Income Tax Credit—would benefit from receiving information about financial aid and vice versa. The *FAFSA Simplification Act* supported such interagency coordination to raise awareness of federal resources under Sections 483(c)(3) and 485E(c) of the HEA. Additionally, Section 485E(d) requires a public awareness campaign about Title IV aid involving entities such as institutions of higher education, organizations involved in college access and student financial aid, local educational agencies, public libraries, community centers, businesses, employers, workforce investment boards, and organizations that provide services to individuals who are or were homeless, in foster care, or are disconnected youth. However, these sections could benefit from additional requirements for these plans and campaigns, including legislative deadlines and additional funding.

Again, we thank the Committee for working to fix the FAFSA. With amendments to delay the effective date and require public comment, we could support H.R. 8932, but we have concerns in its current form. Given the importance of a functional financial aid system for all students, we also hope that the FAFSA remains a nonpartisan topic and that the Committee searches for consensus on this legislation. We would be happy to discuss the bill further or provide additional information that may be useful to your efforts, including suggested legislative language. We look forward to continuing this critical conversation as you consider other legislative proposals for the FAFSA and federal financial aid.

Sincerely,



Bryce McKibben
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The Hope Center at Temple University