
By: **Delegate Marriott**

Introduced and read first time: February 22, 2005

Assigned to: Rules and Executive Nominations

HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Repeal of 20 U.S.C. 1091(r) of the Federal Higher Education Act**

3 FOR the purpose of urging the United States Congress and the President of the
4 United States to repeal a certain provision in a certain federal act that excludes
5 individuals with a previous conviction for a drug-related offense from receiving
6 certain federal financial assistance to attend certain institutions of higher
7 education.

8 WHEREAS, The federal Higher Education Act was amended in 1998 to exclude
9 all students with a previous conviction for a drug-related offense from receiving
10 federal financial aid to attend institutions of higher education (codified in 20 U.S.C.
11 1091(r)); and

12 WHEREAS, This provision provides no mitigation for the age of a drug offense,
13 the level of the drug offense, or the number of convictions; and

14 WHEREAS, This provision excludes prior convicted drug offenders from higher
15 education financial assistance, but individuals convicted of violent offenses involving
16 rape, arson, and armed robbery may still qualify for federal financial aid for higher
17 education; and

18 WHEREAS, According to the United States Department of Education, 140,000
19 individuals have either been denied federal financial aid under this provision or have
20 not applied for financial assistance because of this provision; and

21 WHEREAS, This provision effectively punishes individuals who have served
22 their criminal sentences, paid their fines, and are striving to become productive
23 citizens and taxpayers by obtaining a higher education degree; and

24 WHEREAS, Over 70 organizations around the country including the National
25 Education Association, National Council for Higher Education, American Federation
26 of Teachers, National Association of Student Financial Aid Administrators, and the
27 National Association of Independent Colleges and Universities support the repeal of
28 20 U.S.C. 1091(r); now, therefore, be it

1 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the United
2 States Congress and the President of the United States are respectfully requested
3 and urged to repeal 20 U.S.C. 1091(r); and be it further

4 RESOLVED, That a copy of this Resolution be forwarded by the Department of
5 Legislative Services to the Honorable Robert L. Ehrlich, Jr., Governor of Maryland;
6 the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; the
7 Honorable Michael E. Busch, Speaker of the House of Delegates; the Maryland
8 Congressional Delegation: Senators Paul S. Sarbanes and Barbara A. Mikulski,
9 Senate Office Building, Washington, D.C. 20510; and Representatives Wayne T.
10 Gilchrest, C. A. Dutch Ruppersberger III, Benjamin L. Cardin, Albert R. Wynn, Steny
11 Hamilton Hoyer, Roscoe G. Bartlett, Elijah E. Cummings, and Christopher Van
12 Hollen, Jr., House Office Building, Washington, D.C. 20515; and the Honorable
13 George W. Bush, President of the United States, 1600 Pennsylvania Avenue, NW,
14 Washington, D.C. 20500.