



Legislation Text

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Res. No. 59

Resolution calling upon the United States Congress to support H.R.1184, sponsored by Congressman Barney Frank, which would repeal the 1998 amendments to the Higher Education Act of 1965 that bar students with previous drug convictions from receiving federal financial aid for college.

By Council Members Foster, James, Koppell, Mark-Viverito, Mendez and Sanders Jr.

Whereas, The Higher Education Act of 1965 was signed into law by President Lyndon B. Johnson on November 8, 1965 in an effort to strengthen the nation's colleges and universities and provide financial assistance for students in postsecondary and higher education; and

Whereas, Additionally, the Higher Education Act of 1965 was enacted to help create higher education opportunities for lower and middle income families, provide program assistance to small and less developed colleges, expand and improve library resources at higher education institutions and utilize college and university resources to help deal with national issues, such as poverty and community development; and

Whereas, The Higher Education Act of 1965 was reauthorized in 1968, 1972, 1976, 1980, 1986, 1992 and 1998, at which time Congress amended the Act to include Section 484 subsection (r), a provision that took effect in 2000, barring students who have been convicted of any offenses under Federal or State law involving the possession of controlled substances from receiving federal financial aid for college for one year upon the first offense, two years for a second offense and indefinitely for a third offense; and

Whereas, Section 484 subsection (r) also sets forth stricter guidelines for the suspension of eligibility for students convicted of any Federal or State drug-related offenses involving the sale of a controlled substance by making such persons ineligible for federal financial for two years upon the first offense and indefinitely for a second offense; and

Whereas, According to the National Association for the Advancement of Colored People ("NAACP"), the 1998 amendments to the Higher Education Act of 1965 has primarily impacted students convicted of minor possession and nonviolent offenses, instead of the major drug dealers, as was the intent of the amendments; and

Whereas, According to the NAACP, the amendments have affected as many as 95,000 young men and women, a disproportionate number whom are of racial and ethnic minorities and come from families with total annual incomes of less than \$30,000; and

Whereas, Furthermore, the NAACP notes that, although most of these students have already paid their debt to society, they continue to be unfairly and unnecessarily denied access to higher education, the attainment of which is the only sure way to end the cycle of drug addiction, crime, violence, poverty and incarceration; and

Whereas, The Higher Education Act of 1965 has been temporarily extended and is set to expire on March 31, 2006; and

Whereas, On March 9, 2005, Congressman Barney Frank introduced H.R. 1184, which would repeal Section 484 subsection (r), reverting to the previous method of allowing authorities to determine if financial aid should be withheld based on the severity of the crime; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to support H.R. 1184, sponsored by Congressman Barney Frank, which would repeal the 1998 amendments to the Higher Education Act of 1965 that bar students with previous drug convictions from receiving federal financial aid for college.

JE
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