

To the office of U.S. Representative Madeleine Dean

Re: HR 10661 (119th Congress), Beyond the Box for Higher Education Act of 2026 • Latest action (2026-10-01): Referred to the House Committee on Education and Workforce.

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Office of record (Congress.gov): 150 Cannon House Office Building, Washington, DC • (202) 225-4731

Fair Start College Access and Campus Safety Act

The measure, as described from the official record: Help more people with criminal or juvenile records apply to college by reducing the barrier of record-related questions on admission applications.

THE PROPOSAL

Congress has the power to spend for the general welfare and to carry that spending into effect, but it does not have a general power over education. That is why this proposal would use Article I spending and necessary-and-proper authority for voluntary guidance and capped grants, while the Tenth Amendment bars a direct federal mandate telling colleges what to print on admission forms. Any cutoff of grant funds would include Fifth Amendment due process through notice and a chance to correct.

The proposal would shift the original requirement into voluntary federal guidance plus practical support. The Department of Education would publish clear model practices for colleges that wish to move record-related questions off the initial admission application. Each college would keep full control over admissions and campus safety decisions.

Colleges could still consider conduct history at a later stage where safety requires it. The guidance would explain how schools can delay such questions until after an initial review, use individualized review, protect privacy, and give applicants a fair chance to explain. No school would be forced to admit any applicant. The proposal would add these safeguards as new guidance, rather than changing existing admission rights.

To support schools that choose to participate, the proposal would create a small five-year competitive grant program. Funds would help update application forms, train staff, and improve data privacy. Awards would favor open design so small and rural colleges can join. Total spending would be capped each year and tracked in a public report.

The program would end after five years unless Congress renews it. The Department would report each year on participation, costs, completion, and campus safety. This record lets lawmakers keep what works and end what does not. The strongest objection is that delaying record questions could weaken safety screening. The answer is timing, not blindness: schools retain later review and safety authority.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Effective Date	Guidance issued within 180 days of enactment; grant program would begin the next award year
Enforcement Mechanism	Voluntary participation; loss of grant funds for misuse and public reporting, with written notice and a chance to correct before any penalty
Funding Amount	Would be capped at \$15 million per year for five years, subject to annual appropriations
Funding Source	Existing Department of Education administrative funds and competitive grants, subject to appropriations; no new tax
Oversight Body	Department of Education, with annual public report to Congress
Sunset Years	5 years

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1
- Article I, Section 8, Clause 18
- Tenth Amendment
- Fifth Amendment Due Process

Concerns with the measure as written:

- A direct federal requirement dictating the contents of college admission applications raises Tenth Amendment and limited-powers concerns because education and admissions are primarily state, local, and private matters.
 - Any federal condition tied to funds must be clear, voluntary, and related to the federal interest, with Fifth Amendment due process before any loss of funds.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

VFA assesses this draft honors Democratic and progressive priorities by expanding fair access to college for applicants with criminal or juvenile records and by supporting second chances through practical grants. VFA assesses it honors Republican and conservative priorities by rejecting a federal mandate on admission forms, keeping admissions and safety decisions with colleges and states, capping spending with no new tax, and requiring a five-year sunset with annual review.

Strongest objection, and the answer: The strongest objection is that delaying record questions could weaken safety screening. The answer is timing, not blindness: schools retain later review and safety authority.

CHECK BEFORE RELYING ON THIS

Basis: The Congress.gov summary of H.R. 10661 in the 119th Congress states the bill would require Department of Education guidance for colleges to remove criminal and juvenile justice questions from admission applications, and was referred to the House Committee on Education and Workforce on 2026-10-01.

The full bill text, current law, eligibility rules, appeal rights, cost effects, and statutory conflicts were not included in the official summary. The proposed grants, caps, safeguards, and reports

would be new. Readers should verify the current bill status and full text at [Congress.gov](https://www.congress.gov) before relying on this draft.

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