

Pub. L. 99-498, see section 27 of Pub. L. 100-50, set out as a note under section 1001 of this title.

EFFECTIVE DATE

Section effective Oct. 17, 1986, except as otherwise provided, see section 2 of Pub. L. 99-498, set out as a note under section 1001 of this title.

Subsec. (e) of this section applicable to student assistance awarded for periods of enrollment beginning on or after July 1, 1987, see section 407(b) of Pub. L. 99-498, set out as a note under section 1091 of this title.

IDENTIFICATION OF FOSTER YOUTH ON FAFSA

Pub. L. 113-235, div. G, title III, §308, Dec. 16, 2014, 128 Stat. 2504, provided that: “The Secretary of Education shall—

“(1) modify the Free Application for Federal Student Aid described in section 483 of the HEA [Higher Education Act of 1965, 20 U.S.C. 1090] so that the Free Application for Federal Student Aid contains an individual box for the purpose of identifying students who are foster youth or were in the foster care system; and

“(2) utilize such identification as a tool to notify students who are foster youth or were in the foster care system of their potential eligibility for Federal student aid, including postsecondary education programs through the John H. Chafee Foster Care Independence Program and any other Federal programs under which such students may be eligible to receive assistance.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 113-76, div. H, title III, §310, Jan. 17, 2014, 128 Stat. 400.

DELAYED IMPLEMENTATION OF EZ FAFSA

Pub. L. 111-39, title IV, §407(a), July 1, 2009, 123 Stat. 1950, provided that: “Notwithstanding any other provision of law, the Secretary of Education shall be required to carry out the requirements under the following provisions of section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) only for academic year 2010-2011 and subsequent academic years:

“(1) In subsection (a) of such section—

“(A) subparagraphs (A)(i) and (B) of paragraph (2);

“(B) in paragraph (3)—

“(i) the second sentence of subparagraph (A);

“(ii) clauses (i) and (ii) of subparagraph (B); and

“(iii) subparagraph (C);

“(C) paragraph (4)(A)(iv); and

“(D) paragraph (5)(E).

“(2) Subsection (h) of such section.”

§ 1091. Student eligibility

(a) In general

In order to receive any grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42, a student must—

(1) be enrolled or accepted for enrollment in a degree, certificate, or other program (including a program of study abroad approved for credit by the eligible institution at which such student is enrolled) leading to a recognized educational credential at an institution of higher education that is an eligible institution in accordance with the provisions of section 1094 of this title, except as provided in subsections (b)(3) and (b)(4) of this section, and not be enrolled in an elementary or secondary school;

(2) if the student is presently enrolled at an institution, be maintaining satisfactory progress in the course of study the student is pursuing in accordance with the provisions of subsection (c) of this section;

(3) not owe a refund on grants previously received at any institution under this subchapter and part C of subchapter I of chapter 34 of title 42, or be in default on any loan from a student loan fund at any institution provided for in part D of this subchapter, or a loan made, insured, or guaranteed by the Secretary under this subchapter and part C of subchapter I of chapter 34 of title 42 for attendance at any institution;

(4) file with the Secretary, as part of the original financial aid application process, a certification, which need not be notarized, but which shall include—

(A) a statement of educational purpose stating that the money attributable to such grant, loan, or loan guarantee will be used solely for expenses related to attendance or continued attendance at such institution; and

(B) such student’s social security number;

(5) be a citizen or national of the United States, a permanent resident of the United States, or able to provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident; and

(6) if the student has been convicted of, or has pled nolo contendere or guilty to, a crime involving fraud in obtaining funds under this subchapter and part C of subchapter I of chapter 34 of title 42, have completed the repayment of such funds to the Secretary, or to the holder in the case of a loan under this subchapter and part C of subchapter I of chapter 34 of title 42 obtained by fraud.

(b) Eligibility for student loans

(1) In order to be eligible to receive any loan under this subchapter and part C of subchapter I of chapter 34 of title 42 (other than a loan under section 1078-2 or 1078-3 of this title, or under section 1078-8 of this title pursuant to an exercise of discretion under section 1087tt of this title) for any period of enrollment, a student who is not a graduate or professional student (as defined in regulations of the Secretary), and who is enrolled in a program at an institution which has a participation agreement with the Secretary to make awards under subpart 1 of part A of this subchapter, shall—

(A)(i) have received a determination of eligibility or ineligibility for a Pell Grant under such subpart 1 for such period of enrollment; and (ii) if determined to be eligible, have filed an application for a Pell Grant for such enrollment period; or

(B) have (i) filed an application with the Pell Grant processor for such institution for such enrollment period, and (ii) received from the financial aid administrator of the institution a preliminary determination of the student’s eligibility or ineligibility for a grant under such subpart 1.

(2) In order to be eligible to receive any loan under section 1078-1¹ of this title for any period of enrollment, a student shall—

¹ See References in Text note below.

(A) have received a determination of need for a loan under section 1078(a)(2)(B) of this title;

(B) if determined to have need for a loan under section 1078 of this title, have applied for such a loan; and

(C) has applied for a loan under section 1078-8 of this title, if such student is eligible to apply for such a loan.

(3) A student who—

(A) is carrying at least one-half the normal full-time work load for the course of study that the student is pursuing, as determined by an eligible institution, and

(B) is enrolled in a course of study necessary for enrollment in a program leading to a degree or certificate,

shall be, notwithstanding paragraph (1) of subsection (a) of this section, eligible to apply for loans under part B or C of this subchapter. The eligibility described in this paragraph shall be restricted to one 12-month period.

(4) A student who—

(A) is carrying at least one-half the normal full-time work load for the course of study the student is pursuing, as determined by the institution, and

(B) is enrolled or accepted for enrollment in a program at an eligible institution necessary for a professional credential or certification from a State that is required for employment as a teacher in an elementary or secondary school in that State,

shall be, notwithstanding paragraph (1) of subsection (a) of this section, eligible to apply for loans under part B, C, or D of this subchapter or work-study assistance under part C of subchapter I of chapter 34 of title 42.

(5) Notwithstanding any other provision of this subsection, no incarcerated student is eligible to receive a loan under this subchapter and part C of subchapter I of chapter 34 of title 42.

(c) Satisfactory progress

(1) For the purpose of subsection (a)(2) of this section, a student is maintaining satisfactory progress if—

(A) the institution at which the student is in attendance, reviews the progress of the student at the end of each academic year, or its equivalent, as determined by the institution, and

(B) the student has a cumulative C average, or its equivalent or academic standing consistent with the requirements for graduation, as determined by the institution, at the end of the second such academic year.

(2) Whenever a student fails to meet the eligibility requirements of subsection (a)(2) of this section as a result of the application of this subsection and subsequent to that failure the student has academic standing consistent with the requirements for graduation, as determined by the institution, for any grading period, the student may, subject to this subsection, again be eligible under subsection (a)(2) of this section for a grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42.

(3) Any institution of higher education at which the student is in attendance may waive

the provisions of paragraph (1) or paragraph (2) of this subsection for undue hardship based on—

(A) the death of a relative of the student,

(B) the personal injury or illness of the student, or

(C) special circumstances as determined by the institution.

(d) Students who are not high school graduates

(1) Student eligibility

In order for a student who does not have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, to be eligible for any assistance under subparts 1, 3, and 4 of part A and parts B, C, and D of this subchapter and part C of subchapter I of chapter 34 of title 42, the student shall meet the requirements of one of the following subparagraphs:

(A) The student is enrolled in an eligible career pathway program and meets one of the following standards:

(i) The student shall take an independently administered examination and shall achieve a score, specified by the Secretary, demonstrating that such student can benefit from the education or training being offered. Such examination shall be approved by the Secretary on the basis of compliance with such standards for development, administration, and scoring as the Secretary may prescribe in regulations.

(ii) The student shall be determined as having the ability to benefit from the education or training in accordance with such process as the State shall prescribe. Any such process described or approved by a State for the purposes of this section shall be effective 6 months after the date of submission to the Secretary unless the Secretary disapproves such process. In determining whether to approve or disapprove such process, the Secretary shall take into account the effectiveness of such process in enabling students without secondary school diplomas or the equivalent thereof to benefit from the instruction offered by institutions utilizing such process, and shall also take into account the cultural diversity, economic circumstances, and educational preparation of the populations served by the institutions.

(iii) The student shall be determined by the institution of higher education as having the ability to benefit from the education or training offered by the institution of higher education upon satisfactory completion of 6 credit hours or the equivalent coursework that are applicable toward a degree or certificate offered by the institution of higher education.

(B) The student has completed a secondary school education in a home school setting that is treated as a home school or private school under State law.

(2) Eligible career pathway program

In this subsection, the term “eligible career pathway program” means a program that combines rigorous and high-quality education, training, and other services that—

(A) aligns with the skill needs of industries in the economy of the State or regional economy involved;

(B) prepares an individual to be successful in any of a full range of secondary or post-secondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this chapter and part C of subchapter I of chapter 34 of title 42 as an “apprenticeship”, except in section 171);¹

(C) includes counseling to support an individual in achieving the individual’s education and career goals;

(D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

(F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized post-secondary credential; and

(G) helps an individual enter or advance within a specific occupation or occupational cluster.

(e) Certification for GSL eligibility

Each eligible institution may certify student eligibility for a loan by an eligible lender under part B of this subchapter prior to completing the review for accuracy of the information submitted by the applicant required by regulations issued under this subchapter and part C of subchapter I of chapter 34 of title 42, if—

(1) checks for the loans are mailed to the eligible institution prior to disbursements;

(2) the disbursement is not made until the review is complete; and

(3) the eligible institution has no evidence or documentation on which the institution may base a determination that the information submitted by the applicant is incorrect.

(f) Loss of eligibility for violation of loan limits

(1) No student shall be eligible to receive any grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 if the eligible institution determines that the student fraudulently borrowed in violation of the annual loan limits under part B, part C, or part D of this subchapter in the same academic year, or if the student fraudulently borrowed in excess of the aggregate maximum loan limits under such part B, part C, or part D.

(2) If the institution determines that the student inadvertently borrowed amounts in excess of such annual or aggregate maximum loan limits, such institution shall allow the student to repay any amount borrowed in excess of such limits prior to certifying the student’s eligibility for further assistance under this subchapter and part C of subchapter I of chapter 34 of title 42.

(g) Verification of immigration status

(1) In general

The Secretary shall implement a system under which the statements and supporting documentation, if required, of an individual declaring that such individual is in compliance with the requirements of subsection (a)(5) of this section shall be verified prior to the individual’s receipt of a grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42.

(2) Special rule

The documents collected and maintained by an eligible institution in the admission of a student to the institution may be used by the student in lieu of the documents used to establish both employment authorization and identity under section 1324a(b)(1)(B) of title 8 to verify eligibility to participate in work-study programs under part C of subchapter I of chapter 34 of title 42.

(3) Verification mechanisms

The Secretary is authorized to verify such statements and supporting documentation through a data match, using an automated or other system, with other Federal agencies that may be in possession of information relevant to such statements and supporting documentation.

(4) Review

In the case of such an individual who is not a citizen or national of the United States, if the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

(A) the institution—

(i) shall provide a reasonable opportunity to submit to the institution evidence indicating a satisfactory immigration status, and

(ii) may not delay, deny, reduce, or terminate the individual’s eligibility for the grant, loan, or work assistance on the basis of the individual’s immigration status until such a reasonable opportunity has been provided; and

(B) if there are submitted documents which the institution determines constitute reasonable evidence indicating such status—

(i) the institution shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,

(ii) pending such verification, the institution may not delay, deny, reduce, or terminate the individual’s eligibility for the grant, loan, or work assistance on the basis of the individual’s immigration status, and

(iii) the institution shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

(h) Limitations of enforcement actions against institutions

The Secretary shall not take any compliance, disallowance, penalty, or other regulatory action against an institution of higher education with respect to any error in the institution's determination to make a student eligible for a grant, loan, or work assistance based on citizenship or immigration status—

(1) if the institution has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

(2) because the institution, under subsection (g)(4)(A)(i) of this section, was required to provide a reasonable opportunity to submit documentation, or

(3) because the institution, under subsection (g)(4)(B)(i) of this section, was required to wait for the response of the Immigration and Naturalization Service to the institution's request for official verification of the immigration status of the student.

(i) Validity of loan guarantees for loan payments made before immigration status verification completed

Notwithstanding subsection (h)¹ of this section, if—

(1) a guaranty is made under this subchapter and part C of subchapter I of chapter 34 of title 42 for a loan made with respect to an individual,

(2) at the time the guaranty is entered into, the provisions of subsection (h)¹ of this section had been complied with,

(3) amounts are paid under the loan subject to such guaranty, and

(4) there is a subsequent determination that, because of an unsatisfactory immigration status, the individual is not eligible for the loan,

the official of the institution making the determination shall notify and instruct the entity making the loan to cease further payments under the loan, but such guaranty shall not be voided or otherwise nullified with respect to such payments made before the date the entity receives the notice.

(j) Repealed. Pub. L. 110-315, title IV, § 485(a)(4), Aug. 14, 2008, 122 Stat. 3288**(k) Special rule for correspondence courses**

A student shall not be eligible to receive grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 for a correspondence course unless such course is part of a program leading to an associate, bachelor or graduate degree.

(l) Courses offered through distance education**(1) Relation to correspondence courses****(A) In general**

A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or recognized associate, recognized baccalaureate, or recognized graduate degree, conferred by such institution, shall not

be considered to be enrolled in correspondence courses.

(B) Exception

An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 2302(3)(C) of this title.

(2) Reductions of financial aid

A student's eligibility to receive grants, loans, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 shall be reduced if a financial aid officer determines under the discretionary authority provided in section 1087tt of this title that distance education results in a substantially reduced cost of attendance to such student.

(3) Special rule

For award years beginning prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action based on a violation of this subsection against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.

(m) Students with a first baccalaureate or professional degree

A student shall not be ineligible for assistance under parts B, C, and D of this subchapter and part C of subchapter I of chapter 34 of title 42 because such student has previously received a baccalaureate or professional degree.

(n) Data base matching

To enforce the Selective Service registration provisions of section 3811(f) of title 50, the Secretary shall conduct data base matches with the Selective Service, using common demographic data elements. Appropriate confirmation, through an application output document or through other means, of any person's registration shall fulfill the requirement to file a separate statement of compliance. In the absence of a confirmation from such data matches, an institution may also use data or documents that support either the student's registration, or the absence of a registration requirement for the student, to fulfill the requirement to file a separate statement of compliance. The mechanism for reporting the resolution of nonconfirmed matches shall be prescribed by the Secretary in regulations.

(o) Study abroad

Nothing in this chapter and part C of subchapter I of chapter 34 of title 42 shall be construed to limit or otherwise prohibit access to study abroad programs approved by the home institution at which a student is enrolled. An otherwise eligible student who is engaged in a program of study abroad approved for academic credit by the home institution at which the student is enrolled shall be eligible to receive

grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42, without regard to whether such study abroad program is required as part of the student's degree program.

(p) Verification of social security number

The Secretary of Education, in cooperation with the Commissioner of the Social Security Administration, shall verify any social security number provided by a student to an eligible institution under subsection (a)(4) of this section and shall enforce the following conditions:

(1) Except as provided in paragraphs (2) and (3), an institution shall not deny, reduce, delay, or terminate a student's eligibility for assistance under this part because social security number verification is pending.

(2) If there is a determination by the Secretary that the social security number provided to an eligible institution by a student is incorrect, the institution shall deny or terminate the student's eligibility for any grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 until such time as the student provides documented evidence of a social security number that is determined by the institution to be correct.

(3) If there is a determination by the Secretary that the social security number provided to an eligible institution by a student is incorrect, and a correct social security number cannot be provided by such student, and a loan has been guaranteed for such student under part B of this subchapter, the institution shall notify and instruct the lender and guaranty agency making and guaranteeing the loan, respectively, to cease further disbursements of the loan, but such guaranty shall not be voided or otherwise nullified with respect to such disbursements made before the date that the lender and the guaranty agency receives such notice.

(4) Nothing in this subsection shall permit the Secretary to take any compliance, disallowance, penalty, or other regulatory action against—

(A) any institution of higher education with respect to any error in a social security number, unless such error was a result of fraud on the part of the institution; or

(B) any student with respect to any error in a social security number, unless such error was a result of fraud on the part of the student.

(q) Use of income data

(1) Matching with IRS

The Secretary, in cooperation with the Secretary of the Treasury, is authorized to obtain from the Internal Revenue Service such information reported on Federal income tax returns by applicants, or by any other person whose financial information is required to be provided on the Federal student financial aid application, as the Secretary determines is necessary for the purpose of—

(A) prepopulating the Federal student financial aid application described in section 1090 of this title; or

(B) verifying the information reported on such student financial aid applications.

(2) Consent

The Secretary may require that applicants for financial assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 provide a consent to the disclosure of the data described in paragraph (1) as a condition of the student receiving assistance under this subchapter and part C of subchapter I of chapter 34 of title 42. The parents of an applicant, in the case of a dependent student, or the spouse of an applicant, in the case of an applicant who is married but files separately, may also be required to provide consent as a condition of the student receiving assistance under this subchapter and part C of subchapter I of chapter 34 of title 42.

(r) Suspension of eligibility for drug-related offenses

(1) In general

A student who is convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 shall not be eligible to receive any grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 from the date of that conviction for the period of time specified in the following table:

If convicted of an offense involving:

The possession of a controlled substance:	Ineligibility period is:
First offense	1 year
Second offense	2 years
Third offense	Indefinite.

The sale of a controlled substance:	Ineligibility period is:
First offense	2 years
Second offense	Indefinite.

(2) Rehabilitation

A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if—

(A) the student satisfactorily completes a drug rehabilitation program that—

- (i) complies with such criteria as the Secretary shall prescribe in regulations for purposes of this paragraph; and
- (ii) includes two unannounced drug tests;

(B) the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe in regulations for purposes of subparagraph (A)(i); or

(C) the conviction is reversed, set aside, or otherwise rendered nugatory.

(3) Definitions

In this subsection, the term “controlled substance” has the meaning given the term in section 802(6) of title 21.

(s) Students with intellectual disabilities**(1) Definitions**

In this subsection the terms “comprehensive transition and postsecondary program for students with intellectual disabilities” and “student with an intellectual disability” have the meanings given the terms in section 1140 of this title.

(2) Requirements

Notwithstanding subsections (a), (c), and (d), in order to receive any grant or work assistance under section 1070a of this title, subpart 3 of part A of this subchapter, or part C of subchapter I of chapter 34 of title 42, a student with an intellectual disability shall—

(A) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary program for students with intellectual disabilities at an institution of higher education;

(B) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

(C) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).

(3) Authority

Notwithstanding any other provision of law unless such provision is enacted with specific reference to this section, the Secretary is authorized to waive any statutory provision applicable to the student financial assistance programs under section 1070a of this title, subpart 3 of part A of this subchapter, or part C of subchapter I of chapter 34 of title 42 (other than a provision of part E of this subchapter related to such a program), or any institutional eligibility provisions of this subchapter and part C of subchapter I of chapter 34 of title 42, as the Secretary determines necessary to ensure that programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection may receive such financial assistance.

(4) Regulations

Notwithstanding regulations applicable to grant or work assistance awards made under section 1070a of this title, subpart 3 of part A of this subchapter, and part C of subchapter I of chapter 34 of title 42 (other than a regulation under part E of this subchapter related to such an award), including with respect to eligible programs, instructional time, credit status, and enrollment status as described in section 1088 of this title, the Secretary shall promulgate regulations allowing programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection to receive such awards.

(t) Data analysis on access to Federal student aid for certain populations**(1) Development of the system**

Within one year of August 14, 2008, the Secretary shall analyze data from the FAFSA containing information regarding the number, characteristics, and circumstances of students denied Federal student aid based on a drug conviction while receiving Federal aid.

(2) Results from analysis

The results from the analysis of such information shall be made available on a continuous basis via the Department website and the Digest of Education Statistics.

(3) Data updating

The data analyzed under this subsection shall be updated at the beginning of each award year and at least one additional time during such award year.

(4) Report to Congress

The Secretary shall prepare and submit to the authorizing committees, in each fiscal year, a report describing the results obtained by the establishment and operation of the data system authorized by this subsection.

(Pub. L. 89-329, title IV, § 484, as added Pub. L. 99-498, title IV, § 407(a), Oct. 17, 1986, 100 Stat. 1479; amended Pub. L. 99-603, title I, § 121(a)(3), Nov. 6, 1986, 100 Stat. 3388; Pub. L. 100-50, § 15(7)-(9), June 3, 1987, 101 Stat. 356, 357; Pub. L. 100-369, §§ 1, 2, 6, July 18, 1988, 102 Stat. 835, 836; Pub. L. 100-525, § 2(g), Oct. 24, 1988, 102 Stat. 2611; Pub. L. 101-508, title III, § 3005(a), Nov. 5, 1990, 104 Stat. 1388-27; Pub. L. 102-26, § 2(b), (c)(2), (d)(2)(A), Apr. 9, 1991, 105 Stat. 123, 124; Pub. L. 102-73, title VIII, § 801(a), July 25, 1991, 105 Stat. 359; Pub. L. 102-325, title IV, § 484(a), (b)(1), (c)-(h), July 23, 1992, 106 Stat. 615-619; Pub. L. 103-208, § 2(h)(13)-(25), Dec. 20, 1993, 107 Stat. 2476, 2477; Pub. L. 103-382, title III, § 360A, Oct. 20, 1994, 108 Stat. 3969; Pub. L. 104-208, div. C, title V, § 507(b), Sept. 30, 1996, 110 Stat. 3009-673; Pub. L. 105-244, title IV, § 483(a)-(f)(1), Oct. 7, 1998, 112 Stat. 1735, 1736; Pub. L. 109-171, title VIII, §§ 8020(c), 8021, Feb. 8, 2006, 120 Stat. 178; Pub. L. 109-270, § 2(c)(2), Aug. 12, 2006, 120 Stat. 746; Pub. L. 110-315, title IV, § 485(a), Aug. 14, 2008, 122 Stat. 3287; Pub. L. 111-39, title IV, § 407(b)(4), July 1, 2009, 123 Stat. 1950; Pub. L. 112-74, div. F, title III, § 309(c)(1), Dec. 23, 2011, 125 Stat. 1100; Pub. L. 113-235, div. G, title III, § 309(a)(1), Dec. 16, 2014, 128 Stat. 2504; Pub. L. 114-113, div. H, title III, § 313(1), Dec. 18, 2015, 129 Stat. 2638.)

REFERENCES IN TEXT

Section 1078-1 of this title, referred to in subsec. (b)(2), was repealed by Pub. L. 103-66, title IV, § 4047(b)-(d), Aug. 10, 1993, 107 Stat. 364, eff. July 1, 1994, except with respect to loans provided under that section as it existed prior to Aug. 10, 1993. Subsequently, a new section 1078-1, relating to voluntary flexible agreements with guaranty agencies, was enacted by Pub. L. 105-244, title IV, § 418, Oct. 7, 1998, 112 Stat. 1691.

Act of August 16, 1937, commonly known as the National Apprenticeship Act, referred to in subsec. (d)(2)(B), is act Aug. 16, 1937, ch. 663, 50 Stat. 664, which is classified generally to chapter 4C (§ 50 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 50 of Title 29 and Tables.

Section 171, referred to in subsec. (d)(2)(B), may have been intended as a reference to section 171 of the Workforce Innovation and Opportunity Act, Pub. L. 113-128, which is classified to section 3226 of Title 29, Labor. Neither the National Apprenticeship Act nor the Higher Education Act of 1965 contains a section 171.

Subsection (h) of this section, referred to in subsec. (i), was redesignated subsec. (g) of this section by Pub. L. 103-208, § 2(h)(25), Dec. 20, 1993, 107 Stat. 2477.

PRIOR PROVISIONS

A prior section 1091, Pub. L. 89-329, title IV, § 484, as added Pub. L. 96-374, title IV, § 451(a), Oct. 3, 1980, 94

Stat. 1448; Pub. L. 99-272, title XVI, §16032(a), (b), Apr. 7, 1986, 100 Stat. 354, related to student eligibility for assistance, prior to the general revision of this part by Pub. L. 99-498.

Another prior section 1091, Pub. L. 89-329, title V, §501, Nov. 8, 1965, 79 Stat. 1254; Pub. L. 90-35, §2(c), June 29, 1967, 81 Stat. 82; Pub. L. 92-318, title I, §141(b)(1), June 23, 1972, 86 Stat. 285, set forth statement of purpose and authorization of appropriations for education professions development program, prior to repeal effective Sept. 30, 1976, by Pub. L. 94-482, title I, §151(a)(2), (b), Oct. 12, 1976, 90 Stat. 2151.

AMENDMENTS

2015—Subsec. (d)(2). Pub. L. 114-113 amended par. (2) generally. Prior to amendment, par. (2) contained a different definition of “eligible career pathway program”.

2014—Subsec. (d). Pub. L. 113-235 amended subsec. (d) generally. Prior to amendment, text read as follows: “In order for a student who does not have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, to be eligible for any assistance under subparts 1, 3, and 4 of part A and parts B, C, and D of this subchapter and part C of subchapter I of chapter 34 of title 42, the student shall have completed a secondary school education in a home school setting that is treated as a home school or private school under State law.”

2011—Subsec. (d). Pub. L. 112-74 struck out “meet one of the following standards:” after “the student shall”, substituted “have completed” for “(3) The student has completed”, and struck out pars. (1), (2) and (4), which required students to take an independently administered examination, required a State process, or required an institution of higher education, respectively, to determine ability of students to benefit from education or training.

2009—Subsec. (a)(4). Pub. L. 111-39, §407(b)(4)(A), substituted “certification,” for “certification,,” in introductory provisions.

Subsec. (b)(1)(B). Pub. L. 111-39, §407(b)(4)(B), substituted “have (i)” for “have (A)” and “and (ii)” for “and (B)”.

Subsec. (f)(1). Pub. L. 111-39, §407(b)(4)(C), amended references in original which appear in text as references to part B, part C, or part D, resulting in text identical to that after execution of Pub. L. 103-208, §2(h)(18). See 1993 Amendment note for subsec. (g) below.

Subsec. (h)(2), (3). Pub. L. 111-39, §407(b)(4)(D), substituted “(g)(4)(A)(i)” for “(h)(4)(A)(i)” in par. (2) and “(g)(4)(B)(i)” for “(h)(4)(B)(i)” in par. (3).

Subsec. (n). Pub. L. 111-39, §407(b)(4)(E), substituted “section 3811(f) of title 50” for “section 1113 of Public Law 97-252”.

2008—Subsec. (a)(4)(B). Pub. L. 110-315, §485(a)(1)(A), substituted “number;” for “number, except that the provisions of this subparagraph shall not apply to a student from the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau;”.

Subsec. (a)(5). Pub. L. 110-315, §485(a)(1)(B), inserted “or” after “a permanent resident of the United States,” and substituted “citizen or permanent resident;” for “citizen or permanent resident, a citizen of any one of the Freely Associated States;”.

Subsec. (b)(1). Pub. L. 110-315, §485(a)(2), inserted “, or under section 1078-8 of this title pursuant to an exercise of discretion under section 1087tt of this title” after “1078-3 of this title”.

Subsec. (d)(4). Pub. L. 110-315, §485(a)(3), added par. (4).

Subsec. (j). Pub. L. 110-315, §485(a)(4), struck out subsec. (j). Text read as follows: “Notwithstanding any other provision of law, a student shall be eligible until September 30, 2004, for assistance under subparts 1 and 3 of part A of this subchapter, and part C of subchapter I of chapter 34 of title 42, if the student is otherwise qualified and—

“(1) is a citizen of any one of the Freely Associated States and attends an institution of higher education

in a State or a public or nonprofit private institution of higher education in the Freely Associated States; or

“(2) meets the requirements of subsection (a)(5) of this section and attends a public or nonprofit private institution of higher education in any one of the Freely Associated States.”

Subsec. (l). Pub. L. 110-315, §485(a)(5), added subsec. (l) and struck out former subsec. (l) which related to courses offered through telecommunications.

Subsec. (q). Pub. L. 110-315, §485(a)(6), added subsec. (q) and struck out former subsec. (q) which related to verification of income data.

Subsec. (r)(2)(B), (C). Pub. L. 110-315, §485(a)(7), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (s). Pub. L. 110-315, §485(a)(8), added subsec. (s).

Subsec. (t). Pub. L. 110-315, §485(a)(9), added subsec. (t).

2006—Subsec. (a)(6). Pub. L. 109-171, §8021(a), added par. (6).

Subsec. (l)(1)(A). Pub. L. 109-171, §8020(c)(1), struck out “for a program of study of 1 year or longer” after “recognized certificate” and “unless the total amount of telecommunications and correspondence courses at such institution equals or exceeds 50 percent of the total amount of all courses at the institution” before period at end.

Subsec. (l)(1)(B). Pub. L. 109-171, §8020(c)(2), amended heading and text of subpar. (B) generally. Prior to amendment, text read as follows: “An institution of higher education referred to in subparagraph (A) is an institution of higher education—

“(i) that is not an institute or school described in section 2471(4)(C) of this title; and

“(ii) for which at least 50 percent of the programs of study offered by the institution lead to the award of a recognized associate, baccalaureate, or graduate degree.”

Subsec. (l)(1)(B)(i). Pub. L. 109-270, which directed substitution of reference to section 2302(C) of this title for reference to section 2471(4)(C) of this title in cl. (i), could not be executed due to general amendment of subpar. (B) by Pub. L. 109-171. See above.

Subsec. (q)(1). Pub. L. 109-171, §8021(b), amended heading and text of par. (1) generally. Prior to amendment, text read as follows: “The Secretary of Education, in cooperation with the Secretary of the Treasury, is authorized to confirm with the Internal Revenue Service the adjusted gross income, Federal income taxes paid, filing status, and exemptions reported by applicants (including parents) under this subchapter and part C of subchapter I of chapter 34 of title 42 on their Federal income tax returns for the purpose of verifying the information reported by applicants on student financial aid applications.”

Subsec. (r)(1). Pub. L. 109-171, §8021(c), amended heading and text of introductory provisions generally. Prior to amendment, text of introductory provisions read as follows: “A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 during the period beginning on the date of such conviction and ending after the interval specified in the following table:”.

1998—Subsec. (a)(4). Pub. L. 105-244, §483(a)(1), substituted “the Secretary, as part of the original financial aid application process, a certification,” for “the institution of higher education which the student intends to attend, or is attending (or in the case of a loan or loan guarantee with the lender), a document” in introductory provisions.

Subsec. (a)(5). Pub. L. 105-244, §483(a)(2), substituted “a citizen of any one of the Freely Associated States” for “or a permanent resident of the Trust Territory of the Pacific Islands, Guam, or the Northern Mariana Islands”.

Subsec. (d). Pub. L. 105-244, §483(b), struck out “either” after “shall meet” in introductory provisions and added par. (3).

Subsec. (j). Pub. L. 105-244, §483(c), amended heading and text of subsec. (j) generally. Prior to amendment, text read as follows: "Notwithstanding any other provision of law, a student shall be eligible, if otherwise qualified, for assistance under subparts 1, 3, and 6, and division 1 of subpart 2, of part A of this subchapter, and part C of subchapter I of chapter 34 of title 42, if the student is otherwise qualified and—

"(1) is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, and attends an institution of higher education in a State or a public or nonprofit private institution of higher education in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau; or

"(2) meets the requirements of subsection (a)(5) of this section and attends a public or nonprofit private institution of higher education in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau."

Subsec. (l)(1). Pub. L. 105-244, §483(d), amended heading and text of par. (1) generally. Prior to amendment, text read as follows: "A student enrolled in a course of instruction at an eligible institution of higher education (other than an institution that meets the definition in section 2471(4)(C) of this title) that is offered in whole or in part through telecommunications and leads to a recognized associate, bachelor, or graduate degree conferred by such institution shall not be considered to be enrolled in correspondence courses unless the total amount of telecommunications and correspondence courses at such institution equals or exceeds 50 percent of such courses."

Subsec. (q). Pub. L. 105-244, §483(e), added subsec. (q).

Subsec. (r). Pub. L. 105-244, §483(f)(1), added subsec. (r).

1996—Subsec. (g)(4)(B)(i). Pub. L. 104-208 amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: "the institution shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents for official verification."

1994—Subsec. (j). Pub. L. 103-382 amended heading and text of subsec. (j) generally. Prior to amendment, text read as follows: "Notwithstanding any other provision of law, a student who meets the requirements of paragraph (a)(5) of this section or who is a resident of the freely associated states, and who attends a public or nonprofit institution of higher education located in any of the freely associated states rather than a State, shall be eligible, if otherwise qualified, for assistance under subpart 1, 2, or 4 of part A of this subchapter or part C of subchapter I of chapter 34 of title 42."

1993—Subsec. (a)(4)(B). Pub. L. 103-208, §2(h)(13), inserted ", except that the provisions of this subparagraph shall not apply to a student from the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau" after "number".

Subsec. (a)(5). Pub. L. 103-208, §2(h)(14), substituted "able to provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident" for "in the United States for other than a temporary purpose and able to provide evidence from the Immigration and Naturalization Service of his or her intent to become a permanent resident".

Subsec. (b)(2)(C). Pub. L. 103-208, §2(h)(15), added subpar. (C).

Subsec. (b)(3). Pub. L. 103-208, §2(h)(16), substituted "part B or C of this subchapter" for "part B of this subchapter" in closing provisions.

Subsec. (f). Pub. L. 103-208, §2(h)(17), (25), redesignated subsec. (g) as (f) and struck out heading and text of former subsec. (f). Text read as follows: "Notwithstanding any other provision of law, the Secretary may not require, or prescribe regulations that require, institutions to verify the accuracy of data used to determine the eligibility for any program under this subchapter and part C of subchapter I of chapter 34 of title

42 for more than 30 percent of the applicants in any award year. In carrying out the provisions of this subsection no eligible institution shall be required to verify more than 30 percent of such applicants in any award year. Nothing in this subsection shall preclude the Secretary from verifying all applications for aid through the use of any means available, including through the exchange of information with any other Federal agency."

Subsec. (g). Pub. L. 103-208, §2(h)(25), redesignated subsec. (h) as (g). Former subsec. (g) redesignated (f).

Pub. L. 103-208, §2(h)(18), which directed insertion of a comma after "Part C" wherever appearing, was executed by inserting a comma after "part C" wherever appearing, to reflect the probable intent of Congress.

Subsec. (h). Pub. L. 103-208, §2(h)(25), redesignated subsec. (i) as (h). Former subsec. (h) redesignated (g).

Pub. L. 103-208, §2(h)(19), substituted "constitute" for "constitutes" in introductory provisions of par. (4)(B).

Subsec. (i). Pub. L. 103-208, §2(h)(25), redesignated subsec. (j) as (i). Former subsec. (i) redesignated (h).

Pub. L. 103-208, §2(h)(22), struck out par. (4) which read as follows: "because of a fair hearing process described in subsection (h)(5)(B) of this section."

Pub. L. 103-208, §2(h)(21), substituted "(h)(4)(B)(i)" for "(h)(4)(B)(ii)" and "student." for "student, or" in par. (3).

Pub. L. 103-208, §2(h)(20), inserted "or" after "documentation," and substituted "(h)(4)(A)(i)" for "(h)(4)(A)(ii)" in par. (2).

Subsecs. (j) to (m). Pub. L. 103-208, §2(h)(25), redesignated subsecs. (k) to (n) as (j) to (m), respectively. Former subsec. (j) redesignated (i).

Subsec. (n). Pub. L. 103-208, §2(h)(25), redesignated subsec. (o) as (n). Former subsec. (n) redesignated (m).

Pub. L. 103-208, §2(h)(23), substituted "parts B, C," for "part B, C,".

Subsecs. (o), (p). Pub. L. 103-208, §2(h)(25), redesignated subsecs. (p) and (q) as (o) and (p), respectively. Former subsec. (o) redesignated (n).

Subsec. (q). Pub. L. 103-208, §2(h)(25), redesignated subsec. (q) as (p).

Pub. L. 103-208, §2(h)(24), substituted "documented evidence of a social security number that is determined by the institution to be correct" for "a correct social security number" in par. (2).

1992—Subsec. (a)(1). Pub. L. 102-325, §484(a)(1), inserted "(including a program of study abroad approved for credit by the eligible institution at which such student is enrolled)" after "or other program".

Subsec. (a)(4). Pub. L. 102-325, §484(a)(2), added par. (4) and struck out former par. (4) which read as follows: "file with the institution of higher education which the student intends to attend, or is attending (or in the case of a loan or loan guarantee with the lender), a statement of educational purpose (which need not be notarized but which shall include such student's social security number or, if the student does not have a social security number, such student's student identification number) stating that the money attributable to such grant, loan, or loan guarantee will be used solely for expenses related to attendance or continued attendance at such institution; and".

Subsec. (b)(4)(B). Pub. L. 102-325, §484(b)(1)(A), substituted "part B, C, or D of this subchapter or work-study assistance under part C of subchapter I of chapter 34 of title 42" for "part B of this subchapter" in concluding provisions.

Subsec. (b)(5). Pub. L. 102-325, §484(b)(1)(B), added par. (5).

Subsec. (d). Pub. L. 102-325, §484(c), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "In order for a student who does not have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, to be eligible for any assistance under subparts 1, 2, and 3 of part A and parts B, C, and D of this subchapter and part C of subchapter I of chapter 34 of title 42, the student shall pass an independently administered examination approved by the Secretary."

Subsec. (f). Pub. L. 102-325, § 484(d), inserted at end “Nothing in this subsection shall preclude the Secretary from verifying all applications for aid through the use of any means available, including through the exchange of information with any other Federal agency.”

Subsec. (g). Pub. L. 102-325, § 484(e), designated existing provisions as par. (1), inserted “, part C” after “part B” in two places and “fraudulently” before “borrowed” in two places, and added par. (2).

Subsec. (h). Pub. L. 102-325, § 484(f), amended subsec. (h) generally. Prior to amendment, subsec. (h) contained pars. (1) to (6) relating to requirements for verification of student immigration status.

Subsec. (k). Pub. L. 102-325, § 484(h), made technical amendment to directory language of Pub. L. 102-73, § 801(a). See 1991 Amendment note below.

Subsecs. (l) to (q). Pub. L. 102-325, § 484(g), added subsecs. (l) to (q).

1991—Subsec. (a)(1). Pub. L. 102-26, § 2(c)(2), inserted before semicolon at end “, and not be enrolled in an elementary or secondary school”.

Subsec. (d). Pub. L. 102-26, § 2(d)(2)(A), repealed Pub. L. 101-508, § 3005(a). See 1990 Amendment note below.

Pub. L. 102-26, § 2(b), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “A student who is admitted on the basis of the ability to benefit from the education or training in order to remain eligible for any grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 shall—

“(1) receive the general education diploma prior to the student’s certification or graduation from the program of study, or by the end of the first year of the course of study, whichever is earlier;

“(2) be counseled prior to admission and be enrolled in and successfully complete the institutionally prescribed program of remedial or developmental education not to exceed one academic year or its equivalent; or

“(3)(A) be administered a nationally recognized, standardized, or industry developed test, subject to criteria developed by the appropriate accrediting association, measuring the applicant’s aptitude to complete successfully the program to which the applicant has applied; and

“(B) with respect to applicants who are unable to satisfy the institutions’ admissions testing requirements specified in subparagraph (A), be enrolled in and successfully complete an institutionally prescribed program or course of remedial or developmental education not to exceed one academic year or its equivalent.

In order to be eligible for assistance a student cannot be enrolled in either an elementary or a secondary school.”

Subsec. (k). Pub. L. 102-73, as amended by Pub. L. 102-325, § 484(h), added subsec. (k).

1990—Subsec. (d). Pub. L. 101-508, which amended subsec. (d) generally to read: “In order for a student who is admitted on the basis of ability to benefit from the education or training offered to be eligible for any grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42, the student shall, prior to enrollment, pass an independently administered examination approved by the Secretary.”, was repealed by Pub. L. 102-26, § 2(d)(2)(A). See Construction of 1991 Amendment note below.

1988—Subsec. (a)(1). Pub. L. 100-369, § 6(1), substituted “subsections (b)(3) and (b)(4)” for “subsection (b)(2)”.

Subsec. (b)(1). Pub. L. 100-369, § 1(1), substituted “section 1078-2 or 1078-3” for “section 1078-1, 1078-2, or 1078-3”.

Subsec. (b)(1)(A). Pub. L. 100-369, § 1(2), added subpar. (A) and struck out former subpar. (A) which read as follows: “have received a determination of eligibility or ineligibility for a grant under such subpart 1 for such period of enrollment; or”.

Subsec. (b)(2), (3). Pub. L. 100-369, § 2, added par. (2) and redesignated former par. (2) as (3).

Subsec. (b)(4). Pub. L. 100-369, § 6(2), added par. (4).

Subsecs. (c) to (e), (h) to (j). Pub. L. 100-525 redesignated subsecs. (c) to (e) enacted by Pub. L. 99-603 as (h) to (j), respectively, and inserted headings, substituted references to subsec. (h) for references to subsec. (c) wherever appearing, and in closing provisions of subsec. (j) substituted “date” for “date of”.

1987—Subsec. (a)(1). Pub. L. 100-50, § 15(7)(A), inserted “, except as provided in subsection (b)(2) of this section” before semicolon at end.

Subsec. (b). Pub. L. 100-50, § 15(7)(B)–(D), designated existing provision as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and added par. (2).

Subsec. (d). Pub. L. 100-50, § 15(8), added pars. (2) and (3) and last sentence relating to ineligibility for assistance if a student is enrolled in either an elementary or a secondary school, and struck out former par. (2) which read as follows:

“(A) be counseled prior to admissions or be administered a nationally recognized standardized or industry developed test, subject to criteria developed by the appropriate accrediting association, measuring the applicant’s aptitude to complete successfully the program to which he has applied; and

“(B) with respect to applicants who are unable to satisfy the institution’s admissions testing requirements specified in subparagraph (A), be enrolled in an institutionally prescribed program or course of remedial or developmental education, not to exceed one academic year or its equivalent.”

Subsec. (f). Pub. L. 100-50, § 15(9), inserted at end “In carrying out provisions of this subsection no eligible institution shall be required to verify more than 30 percent of such applications in any award year.”

1986—Subsec. (c). Pub. L. 99-603 added subsec. (c) requiring immigration status verification.

Subsec. (d). Pub. L. 99-603 added subsec. (d) limiting enforcement actions against institutions.

Subsec. (e). Pub. L. 99-603 added subsec. (e) relating to validity of loan guarantees for loan payments made before completion of immigration status verification.

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-235, div. G, title III, § 309(a)(2), Dec. 16, 2014, 128 Stat. 2506, provided that: “The amendment made by paragraph (1) [amending this section] shall take effect as if such amendment was enacted on June 30, 2014, and shall apply to students who are enrolled or who first enroll in an eligible program of study on or after July 1, 2014.”

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-74, div. F, title III, § 309(c)(2), Dec. 23, 2011, 125 Stat. 1100, provided that: “The amendment made by paragraph (1) [amending this section] shall apply to students who first enroll in a program of study on or after July 1, 2012.”

Amendment by Pub. L. 112-74 effective July 1, 2012, see section 309(g) of Pub. L. 112-74, set out as a note under section 1001 of this title.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-315, title IV, § 485(b), Aug. 14, 2008, 122 Stat. 3290, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on July 1, 2010, except that the amendments made by paragraphs (3), (4), and (8) of such subsection shall take effect on the date of enactment of this Act [August 14, 2008].”

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-171 effective July 1, 2006, except as otherwise provided, see section 8001(c) of Pub.

L. 109-171, set out as a note under section 1002 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 483(a)–(e) of Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

Pub. L. 105-244, title IV, §483(f)(2), Oct. 7, 1998, 112 Stat. 1737, provided that: “The amendment made by paragraph (1) [amending this section], regarding suspension of eligibility for drug-related offenses, shall apply with respect to financial assistance to cover the costs of attendance for periods of enrollment beginning after the date of enactment of this Act [Oct. 7, 1998].”

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 484(a), (b)(1)(B), and (c) to (h) of Pub. L. 102-325 effective July 23, 1992, except that subsec. (m)(1) of this section, relating to proportion of courses permitted to be correspondence courses, as added by such amendment, effective on and after Oct. 1, 1992, see section 498 of Pub. L. 102-325, set out as a note under section 1088 of this title, and subsec. (n) of this section, relating to eligibility of students with first baccalaureate or professional degree for assistance, as added by such amendment, effective on and after Dec. 1, 1987, see section 484(i) of Pub. L. 102-325, set out below.

Pub. L. 102-325, title IV, §484(b)(2), July 23, 1992, 106 Stat. 615, provided that: “The amendments made by paragraph (1)(A) of this subsection [amending this section] shall be effective on and after December 1, 1987.”

Section 484(i) of Pub. L. 102-325, as added by Pub. L. 103-208, §2(k)(8), Dec. 20, 1993, 107 Stat. 2486, provided that: “The amendments made by subsection (g) [section 484(g) of Pub. L. 102-325] with respect to the addition of subsection (n) [adding subsec. (n) of this section] shall be effective on and after December 1, 1987.”

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-26 applicable to any grant, loan, or work assistance to cover the cost of instruction for periods of enrollment beginning on or after July 1, 1991, see section 2(d)(1) of Pub. L. 102-26, set out as a note under section 1085 of this title.

EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by Pub. L. 100-525 effective as if included in enactment of Immigration Reform and Control Act of 1986, Pub. L. 99-603, see section 2(s) of Pub. L. 100-525, set out as a note under section 1101 of Title 8, Aliens and Nationality.

Pub. L. 100-369, §13, July 18, 1988, 102 Stat. 838, provided that:

“(a) GENERAL RULE.—Except as otherwise provided, the amendments made by this Act to title IV of the Higher Education Act of 1965 [amending this section and section 1078-1 of this title] shall be effective for any loan for which the eligibility of the borrower is certified by the institution 30 days after the date of enactment of this Act [July 18, 1988].

“(b) SPECIAL RULES.—(1) The amendments made by section 5 [amending this section and sections 1077 and 1078 of this title] shall be effective with respect to loans made on or after October 1, 1988.

“(2) The amendments made by sections 6, 7, 8, 9, 10, 11, and 12 [amending this section, sections 1058, 1061, 1062, 1070a-1, 1070a-3, 1070a-4, 1070a-6, 1071, 1077, 1078, 1087-2, 1087dd, 1087ee, 1087nn, 1087ss, 1087vv, 1132d-1, 1132g-1, and 1134m of this title, and section 1905 of Title 48, Territories and Insular Possessions] shall take ef-

fect on the date of enactment of this Act [July 18, 1988].”

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99-498, see section 27 of Pub. L. 100-50, set out as a note under section 1001 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-603 effective Oct. 1, 1988, with certain exceptions and qualifications, see section 121(c)(3), (4) of Pub. L. 99-603, set out as a note under section 1320b-7 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE

Section effective Oct. 17, 1986, except as otherwise provided, see section 2 of Pub. L. 99-498, set out as a note under section 1001 of this title.

Pub. L. 99-498, title IV, §407(b), Oct. 17, 1986, 100 Stat. 1494, provided that:

“(1) Sections 483(e) and 484(d) of the Act [20 U.S.C. 1090(e), 1091(d)] as amended by this section shall apply to student assistance awarded for periods of enrollment beginning on or after July 1, 1987.

“(2) The changes made in section 484(a)(1) of the Act [20 U.S.C. 1091(a)(1)] shall apply to student assistance awarded for periods of enrollment beginning on or after July 1, 1987.

“(3) Section 484(c) of the Act [20 U.S.C. 1091(c)] as amended by this section shall apply only to student assistance awarded for periods of enrollment beginning on or after July 1, 1987, to individuals who were not awarded such assistance for any preceding period of enrollment.

“(4) Sections 484(f), 485(b), and 487(a)(10) of the Act [20 U.S.C. 1091(f), 1092(b), 1094(a)(10)] as amended by this section shall apply only to periods of enrollment beginning on or after July 1, 1987.”

CONSTRUCTION OF 1991 AMENDMENT

For repeal of section 3005 of Pub. L. 101-508 and application of subsec. (d) of this section as if such section 3005 had not been enacted, see section 2(d)(2)(A) of Pub. L. 102-26, set out as a note under section 1088 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

SATISFACTORY PROGRESS

Pub. L. 99-498, title XIII, §1301, Oct. 17, 1986, 100 Stat. 1579, as amended by Pub. L. 100-50, §23(1), June 3, 1987, 101 Stat. 362, directed Secretary, through the Office of Educational Research and Improvement, to conduct survey over 5-year period ending Sept. 30, 1991, on impact on grades of students of amendments made by Pub. L. 99-498 to subsec. (c) of this section and to submit annual reports to Congress of survey, prior to repeal by Pub. L. 105-332, §6(a), Oct. 31, 1998, 112 Stat. 3127.

DENIAL OF STUDENT ASSISTANCE TO CERTAIN NONCITIZENS

Pub. L. 99-498, title XIII, §1361, Oct. 17, 1986, 100 Stat. 1588, established in Department of Education the Alien Youth Education Opportunity Panel and provided for Panel's composition, duties, reports, administrative and clerical support, compensation and expenses, and

access to information, prior to repeal by Pub. L. 105-332, §6(a), Oct. 31, 1998, 112 Stat. 3127.

FINANCIAL AID TO STUDENTS NOT DEEMED INCOME OR RESOURCES FOR PURPOSES OF CERTAIN SOCIAL SECURITY ACT PROGRAMS

Pub. L. 90-575, title V, §507, Oct. 16, 1968, 82 Stat. 1063, as amended by Pub. L. 96-88, title III, §301(a)(1), Oct. 17, 1979, 93 Stat. 677, provided that: "For the purpose of any program assisted under title I, IV, X, XIV, XVI, or XIX of the Social Security Act [subchapters I, IV, X, XIV, XVI, or XIX of chapter 7 of Title 42, The Public Health and Welfare], no grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Secretary of Education shall be considered to be income or resources."

§ 1091a. Statute of limitations, and State court judgments

(a) In general

(1) It is the purpose of this subsection to ensure that obligations to repay loans and grant overpayments are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

(2) Notwithstanding any other provision of statute, regulation, or administrative limitation, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action initiated or taken by—

(A) an institution that receives funds under this subchapter and part C of subchapter I of chapter 34 of title 42 that is seeking to collect a refund due from a student on a grant made, or work assistance awarded, under this subchapter and part C of subchapter I of chapter 34 of title 42;

(B) a guaranty agency that has an agreement with the Secretary under section 1078(c) of this title that is seeking the repayment of the amount due from a borrower on a loan made under part B of this subchapter after such guaranty agency reimburses the previous holder of the loan for its loss on account of the default of the borrower;

(C) an institution that has an agreement with the Secretary pursuant to section 1087c or 1087cc(a) of this title that is seeking the repayment of the amount due from a borrower on a loan made under part C or D of this subchapter after the default of the borrower on such loan; or

(D) the Secretary, the Attorney General, or the administrative head of another Federal agency, as the case may be, for payment of a refund due from a student on a grant made under this subchapter and part C of subchapter I of chapter 34 of title 42, or for the repayment of the amount due from a borrower on a loan made under this subchapter and part C of subchapter I of chapter 34 of title 42 that has been assigned to the Secretary under this subchapter and part C of subchapter I of chapter 34 of title 42.

(b) Assessment of costs and other charges

Notwithstanding any provision of State law to the contrary—

(1) a borrower who has defaulted on a loan made under this subchapter and part C of sub-

chapter I of chapter 34 of title 42 shall be required to pay, in addition to other charges specified in this subchapter and part C of subchapter I of chapter 34 of title 42 reasonable collection costs;

(2) in collecting any obligation arising from a loan made under part B of this subchapter, a guaranty agency or the Secretary shall not be subject to a defense raised by any borrower based on a claim of infancy; and

(3) in collecting any obligation arising from a loan made under part D, an institution of higher education that has an agreement with the Secretary pursuant to section 1087cc(a) of this title shall not be subject to a defense raised by any borrower based on a claim of infancy.

(c) State court judgments

A judgment of a State court for the recovery of money provided as grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 that has been assigned or transferred to the Secretary under this subchapter and part C of subchapter I of chapter 34 of title 42 may be registered in any district court of the United States by filing a certified copy of the judgment and a copy of the assignment or transfer. A judgment so registered shall have the same force and effect, and may be enforced in the same manner, as a judgment of the district court of the district in which the judgment is registered.

(d) Special rule

This section shall not apply in the case of a student who is deceased, or to a deceased student's estate or the estate of such student's family. If a student is deceased, then the student's estate or the estate of the student's family shall not be required to repay any financial assistance under this subchapter and part C of subchapter I of chapter 34 of title 42, including interest paid on the student's behalf, collection costs, or other charges specified in this subchapter and part C of subchapter I of chapter 34 of title 42.

(Pub. L. 89-329, title IV, §484A, as added Pub. L. 99-498, title IV, §407(a), Oct. 17, 1986, 100 Stat. 1482; amended Pub. L. 102-26, §3(a), Apr. 9, 1991, 105 Stat. 124; Pub. L. 105-244, title IV, §484, Oct. 7, 1998, 112 Stat. 1737; Pub. L. 110-315, title IV, §486, Aug. 14, 2008, 122 Stat. 3290.)

PRIOR PROVISIONS

A prior section 1091a, Pub. L. 89-329, title IV, §484A, as added Pub. L. 99-272, title XVI, §16033, Apr. 7, 1986, 100 Stat. 355, related to statute of limitations, collection costs, and defense of infancy, prior to the general revision of this part by Pub. L. 99-498.

Another prior section 1091a, Pub. L. 89-329, title V, §502, as added Pub. L. 90-35, §2(c), June 29, 1967, 81 Stat. 82; amended Pub. L. 91-230, title IV, §401(h)(4), title VIII, §802, Apr. 13, 1970, 84 Stat. 174, 190; Pub. L. 92-318, title I, §141(c)(1)(A), June 23, 1972, 86 Stat. 285, established the National Advisory Council on Education Professions Development and set forth functions, composition, etc., of the Council, prior to repeal by Pub. L. 94-482, title I, §151(a)(2), (b), Oct. 12, 1976, 90 Stat. 2151, effective Sept. 30, 1976.

AMENDMENTS

2008—Subsec. (b)(3). Pub. L. 110-315, §486(1), added par. (3).