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SUBCHAPTER I—GENERAL PROVISIONS

CODIFICATION

Title I of the Higher Education Act of 1965, comprising this subchapter, was originally enacted by Pub. L. 89-329, title I, Nov. 8, 1965, 79 Stat. 1219, and amended by Pub. L. 90-575, Oct. 16, 1968, 82 Stat. 1014; Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 121; Pub. L. 92-318, June 23, 1972, 86 Stat. 235; Pub. L. 93-29, May 3, 1973, 87 Stat. 30; Pub. L. 93-380, Aug. 21, 1974, 88 Stat. 484; Pub. L. 93-644, Jan. 4, 1975, 88 Stat. 2291; Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 713; Pub. L. 94-482, Oct. 12, 1976, 90 Stat. 2081; Pub. L. 95-43, June 15, 1977, 91 Stat. 213; Pub. L. 96-49, Aug. 13, 1979, 93 Stat. 351; Pub. L. 96-96, Oct. 31, 1979, 93 Stat. 729; Pub. L. 96-374, Oct. 3, 1980, 94 Stat. 1367; Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322; Pub. L. 98-524, Oct. 19, 1984, 98 Stat. 2435; Pub. L. 99-386, Aug. 22, 1986, 100 Stat. 821; Pub. L. 99-498, Oct. 17, 1986, 100 Stat. 1268; Pub. L. 100-418, Aug. 23, 1988, 102 Stat. 1107; Pub. L. 101-305, May 30, 1990, 104 Stat. 253; Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127; Pub. L. 102-54, June 13, 1991, 105 Stat. 267; Pub. L. 102-325, July 23, 1992, 106 Stat. 448; Pub. L. 103-208, Dec. 20, 1993, 107 Stat. 2457. Such title is shown herein, however, as having been added by Pub. L. 105-244, title I, §101(a), Oct. 7, 1998, 112 Stat. 1585, without reference to such intervening amendments because of the extensive revision of the title's provisions by Pub. L. 105-244.

PART A—DEFINITIONS

§ 1001. General definition of institution of higher education

(a) Institution of higher education

For purposes of this chapter, other than subchapter IV, the term “institution of higher education” means an educational institution in any State that—

(1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who meet the requirements of section 1091(d) of this title;

(2) is legally authorized within such State to provide a program of education beyond secondary education;

(3) provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary;

(4) is a public or other nonprofit institution; and

(5) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

(b) Additional institutions included

For purposes of this chapter, other than subchapter IV, the term “institution of higher education” also includes—

(1) any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (1), (2), (4), and (5) of subsection (a); and

(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students individuals—

(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

(B) who will be dually or concurrently enrolled in the institution and a secondary school.

(c) List of accrediting agencies

For purposes of this section and section 1002 of this title, the Secretary shall publish a list of nationally recognized accrediting agencies or associations that the Secretary determines, pursuant to subpart 2 of part H of subchapter IV, to be reliable authority as to the quality of the education or training offered.

(Pub. L. 89-329, title I, §101, as added Pub. L. 105-244, title I, §101(a), Oct. 7, 1998, 112 Stat. 1585; amended Pub. L. 110-315, title I, §101(a), Aug. 14, 2008, 122 Stat. 3083; Pub. L. 112-74, div. F, title III, §309(c)(3), Dec. 23, 2011, 125 Stat. 1101.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1141(a) of this title prior to repeal by Pub. L. 105-244.

A prior section 1001, Pub. L. 89-329, title I, §101, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 459, related to purposes of school, college, and university partnership grant program, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1001, Pub. L. 89-329, title I, §101, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1278, related to Congressional findings, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1001, Pub. L. 89-329, title I, §101, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1373, stated Congressional findings with respect to continuing postsecondary education program and planning, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1001, Pub. L. 89-329, title I, §101, Nov. 8, 1965, 79 Stat. 1219; Pub. L. 90-575, title II, §201, Oct. 16, 1968, 82 Stat. 1035; Pub. L. 92-318, title I, §101(a), June 23, 1972, 86 Stat. 236; Pub. L. 94-482, title I, §101(a), Oct. 12, 1976, 90 Stat. 2083; Pub. L. 96-49, §2, Aug. 13, 1979, 93 Stat. 351, authorized appropriations for the

community service, continuing education, and lifelong learning program grant programs through fiscal year 1980, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 112-74 substituted “section 1091(d)” for “section 1091(d)(3)”.

2008—Subsec. (a)(1). Pub. L. 110-315, §101(a)(1)(A), inserted “, or persons who meet the requirements of section 1091(d)(3) of this title” before semicolon at end.

Subsec. (a)(3). Pub. L. 110-315, §101(a)(1)(B), inserted “, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary” before semicolon at end.

Subsec. (b)(2). Pub. L. 110-315, §101(a)(2), added par. (2) and struck out former par. (2) which read as follows: “a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1) of this section, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.”

EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-260, div. FF, title VII, §701(b), Dec. 27, 2020, 134 Stat. 3137, provided that: “Except as otherwise expressly provided, this Act [probably means “this title”, see Tables for classification], and the amendments made by this title to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), shall take effect on July 1, 2023, and shall apply with respect to award year 2023-2024 and each subsequent award year, as determined under the Higher Education Act of 1965. The Secretary of Education shall have the authority to take such steps as are necessary before July 1, 2023, to provide for the orderly implementation on such date of the amendments to the Higher Education Act of 1965 made by this Act.”

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-74, div. F, title III, §309(g), Dec. 23, 2011, 125 Stat. 1103, provided that: “The amendments made by subsections (a), (b), and (c) [amending this section and sections 1070a, 1087ss, and 1091 of this title, and enacting provisions set out as a note under section 1091 of this title] shall take effect on July 1, 2012.”

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-39, §3, July 1, 2009, 123 Stat. 1935, provided that: “Except as otherwise provided in this Act [see Tables for classification], the amendments made by this Act shall take effect as if enacted on the date of enactment of the Higher Education Opportunity Act (Public Law 110-315) [Aug. 14, 2008].”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-315, §3, Aug. 14, 2008, 122 Stat. 3083, provided that: “Except as otherwise provided in this Act [see Tables for classification] or the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act [Aug. 14, 2008].”

Pub. L. 110-315, title I, §101(b), Aug. 14, 2008, 122 Stat. 3083, as amended by Pub. L. 111-39, title I, §101(a)(1), July 1, 2009, 123 Stat. 1935, provided that: “The amendments made by this section [amending this section] shall take effect on the date of enactment of this Act [Aug. 14, 2008].”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-244, §3, Oct. 7, 1998, 112 Stat. 1585, provided that: “Except as otherwise provided in this Act [see Tables for classification] or the amendments made by this Act, the amendments made by this Act shall take effect on October 1, 1998.”

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-325, §2, July 23, 1992, 106 Stat. 458, provided that: “Except as otherwise provided in this Act

(20 U.S.C. 1001 et seq.) [see Tables for classification], the amendments made by this Act shall take effect on October 1, 1992.”

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-50, §27, June 3, 1987, 101 Stat. 363, provided that: “The amendments made by this Act [see Short Title of 1987 Amendment note below] shall take effect as if enacted as part of the Higher Education Amendments of 1986 [Pub. L. 99-498, see Short Title of 1986 Amendments note below].”

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-498, §2, Oct. 17, 1986, 100 Stat. 1277, provided that: “Except as otherwise provided in this Act, the amendments made by this Act [see Tables for classification] shall take effect on the date of enactment of this Act [Oct. 17, 1986].”

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-374, title XIII, §1393, Oct. 3, 1980, 94 Stat. 1504, provided that:

“(a) Except as provided in subsection (b), this Act and the amendments made by this Act [see Tables for classification] shall take effect on October 1, 1980.

“(b)(1) The amendment made by section 301 of this Act to title III of the Act [enacting subchapter III of this chapter] shall take effect October 1, 1981.

“(2) The amendment made by section 404(c)(4) of this Act to section 415C(b)(4) of the Act [amending section 1070c-2 of this title] shall be effective October 1, 1979.

“(3) The amendment made by section 405 to subpart 4 of part A of title IV of the Act [amending subpart 4 of part A of subchapter IV of this chapter generally] shall take effect October 1, 1981.

“(4) The amendments made by part B of title IV of this Act [enacting sections 1077a, 1078-2, 1083a, and 1087-1a of this title and amending sections 1074, 1075, 1077, 1078, 1078-1, 1080, 1082, 1085, 1087-1, and 1087-2 of this title] shall take effect, except as otherwise provided therein, on January 1, 1981, and to the extent such amendments make changes in such part B which affect student loans, such changes shall apply to outstanding loans as well as to loans made after the amendments take effect, except that the amendments made by section 415(b) [amending sections 1077(a)(2)(B) and 1078(b)(1)(E) of this title] shall apply with respect to any loan to cover the cost of instruction for any period of instruction beginning on or after January 1, 1981, to any student borrower who has no outstanding balance of principal or interest on any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 [part B of subchapter IV of this chapter] on the date on which the borrower enters into the note or other written evidence of the loan.

“(5) The amendments made by part D of title IV of this Act [enacting sections 1087cc-1, 1087hh, and 1087ii of this title and amending sections 1087aa to 1087gg of this title] shall apply to loans made under part E of the Act [20 U.S.C. 1087aa et seq.] on or after October 1, 1980.

“(6) The amendment made by section 701 of this Act adding section 731 of the Act [former section 1132d of this title] shall apply to loans made under section 731 on or after October 1, 1980.”

EFFECTIVE DATE OF 1976 AMENDMENT

Pub. L. 94-482, title V, §532, Oct. 12, 1976, 90 Stat. 2241, provided that: “The provisions of this Act [see Tables for classification] and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act [Oct. 12, 1976] except—

“(1) as specifically otherwise provided; and

“(2) that each amendment made by this Act (not subject to clause (1) of this section) providing for authorization of appropriations shall take effect July 1, 1976.”

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116-270, §1, Dec. 31, 2020, 134 Stat. 3325, provided that: “This Act [enacting sections 1063d and 1063e

of this title and enacting provisions set out as notes under section 1063d of this title] may be cited as the ‘HBCU Propelling Agency Relationships Towards a New Era of Results for Students Act’ or the ‘HBCU PARTNERS Act’.”

Pub. L. 116-260, div. FF, title VII, §701(a), Dec. 27, 2020, 134 Stat. 3137, provided that: “This title [see Tables for classification] may be cited as the ‘FAFSA Simplification Act’.”

Pub. L. 116-251, §1, Dec. 22, 2020, 134 Stat. 1129, provided that: “This Act [amending sections 1018, 1092, 1092b, and 1097 of this title and enacting provisions set out as notes under sections 1018 and 1097 of this title] may be cited as the ‘Stop Student Debt Relief Scams Act of 2019’.”

Pub. L. 116-136, div. A, title III, §3501, Mar. 27, 2020, 134 Stat. 395, provided that: “This subtitle [subtitle B (§§3501-3519) of title III of div. A of Pub. L. 116-136, amending section 6103 of Title 26, Internal Revenue Code, and enacting provisions set out as notes under this section and section 7861 of this title, section 6103 of Title 26, section 3163 of Title 29, Labor, and section 12501 of Title 42, The Public Health and Welfare] may be cited as the ‘COVID-19 Pandemic Education Relief Act of 2020’.”

SHORT TITLE OF 2019 AMENDMENT

Pub. L. 116-91, §1, Dec. 19, 2019, 133 Stat. 1189, provided that: “This Act [enacting section 1098h of this title, amending sections 1067q, 1070a, 1087, 1087e, 1091, and 1098e of this title and section 6103 of Title 26, Internal Revenue Code, and enacting provisions set out as notes under section 6103 of Title 26] may be cited as the ‘Fostering Undergraduate Talent by Unlocking Resources for Education Act’ or the ‘FUTURE Act’.”

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114-105, §1, Dec. 18, 2015, 129 Stat. 2219, provided that: “This Act [amending sections 1087aa, 1087cc-1, and 1087ff of this title and enacting provisions set out as notes under sections 1087aa and 1226a of this title] may be cited as the ‘Federal Perkins Loan Program Extension Act of 2015’.”

SHORT TITLE OF 2013 AMENDMENT

Pub. L. 113-28, §1, Aug. 9, 2013, 127 Stat. 506, provided that: “This Act [amending section 1087e of this title and enacting provisions set out as a note under section 1087e of this title] may be cited as the ‘Bipartisan Student Loan Certainty Act of 2013’.”

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-152, title II, §2001(a), Mar. 30, 2010, 124 Stat. 1071, provided that: “This subtitle [subtitle A (§§2001-2213) of title II of Pub. L. 111-152, enacting section 1087i-2 of this title, amending sections 1002, 1067q, 1070a, 1070a-14, 1071, 1074, 1077a, 1078, 1078-2, 1078-3, 1078-8, 1085, 1087-1, 1087b, 1087d, 1087e, 1087f, 1087h, 1090, 1092f, 1098e, 1141, and 1161y of this title, enacting provisions set out as notes under sections 1002, 1070a, 1087d, and 1087e of this title, and repealing provisions set out as a note under section 1078 of this title] may be cited as the ‘SAFRA Act’.”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-315, §1(a), Aug. 14, 2008, 122 Stat. 3078, provided that: “This Act [see Tables for classification] may be cited as the ‘Higher Education Opportunity Act’.”

Pub. L. 110-227, §1, May 7, 2008, 122 Stat. 740, provided that: “This title [probably means this ‘Act’], enacting section 1087i-1 of this title, amending sections 1070a-1, 1071, 1078, 1078-2, 1078-8, 1087a, and 1087f of this title, and enacting provisions set out as notes under sections 1070a-1, 1071, 1078, 1078-8, and 1089 of this title] may be cited as the ‘Ensuring Continued Access to Student Loans Act of 2008’.”

Pub. L. 110-198, §1, Mar. 24, 2008, 122 Stat. 656, provided that: “This Act [enacting and amending provi-

sions set out as notes under this section] may be cited as the ‘Higher Education Extension Act of 2008’.”

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-109, §1, Oct. 31, 2007, 121 Stat. 1028, provided that: “This Act [amending section 1085 of this title and enacting and amending provisions set out as notes under this section] may be cited as the ‘Third Higher Education Extension Act of 2007’.”

Pub. L. 110-84, §1(a), Sept. 27, 2007, 121 Stat. 784, provided that: “This Act [enacting sections 1070g to 1070g-3, 1098e, 1098f, 1099d, 1099e, and 1141 of this title, amending sections 1070a, 1070a-13, 1077a, 1078, 1078-3, 1085, 1087-1, 1087e, 1087h, 1087dd, 1087ff, 1087oo to 1087tt, and 1087vv of this title, repealing section 1078-9 of this title, enacting provisions set out as notes under sections 1070a, 1078, 1078-3, 1087oo, 1087ss, 1087tt, and 1087vv of this title, and amending provisions set out as a note under section 1078 of this title] may be cited as the ‘College Cost Reduction and Access Act’.”

Pub. L. 110-51, §1, July 31, 2007, 121 Stat. 263, provided that: “This Act [enacting and amending provisions set out as notes under this section] may be cited as the ‘Second Higher Education Extension Act of 2007’.”

Pub. L. 110-44, §1, July 3, 2007, 121 Stat. 238, provided that: “This Act [enacting and amending provisions set out as notes under this section] may be cited as the ‘First Higher Education Extension Act of 2007’.”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-292, §1, Sept. 30, 2006, 120 Stat. 1340, provided that: “This Act [amending sections 1085, 1087h, 1101a, and 1101c of this title, enacting provisions set out as notes under this section and section 1085 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Third Higher Education Extension Act of 2006’.”

Pub. L. 109-238, §1, June 30, 2006, 120 Stat. 507, provided that: “This Act [enacting and amending provisions set out as notes under this section] may be cited as the ‘Second Higher Education Extension Act of 2006’.”

Pub. L. 109-212, §1, Apr. 1, 2006, 120 Stat. 321, provided that: “This Act [enacting and amending provisions set out as notes under this section] may be cited as the ‘Higher Education Extension Act of 2006’.”

Pub. L. 109-171, title VIII, §8001(a), Feb. 8, 2006, 120 Stat. 155, provided that: “This subtitle [subtitle A (§§8001-8024) of title VIII of Pub. L. 109-171, enacting sections 1070a-1 and 1092e of this title, amending sections 1002, 1071, 1074, 1075, 1077a, 1078 to 1078-3, 1078-6 to 1078-10, 1082, 1085, 1087, 1087-1, 1087e, 1087h, 1087j, 1087dd, 1087ll, 1087oo to 1087ss, 1087vv, 1088, 1091, 1091b, and 1095a of this title, enacting provisions set out as notes under sections 1002, 1075, 1078, 1087-1, 1087oo to 1087qq, and 1087ss of this title, and amending provisions set out as a note under section 1078-10 of this title] may be cited as the ‘Higher Education Reconciliation Act of 2005’.”

SHORT TITLE OF 2005 AMENDMENTS

Pub. L. 109-150, §1, Dec. 30, 2005, 119 Stat. 2884, provided that: “This Act [amending section 1087-1 of this title, enacting provisions set out as a note under section 1087-1 of this title, and amending provisions set out as notes under this section and section 1078-10 of this title] may be cited as the ‘Second Higher Education Extension Act of 2005’.”

Pub. L. 109-67, §1, Sept. 21, 2005, 119 Stat. 2001, provided that: “This Act [amending section 1091b of this title] may be cited as the ‘Student Grant Hurricane and Disaster Relief Act’.”

Pub. L. 109-66, §1, Sept. 21, 2005, 119 Stat. 1999, provided that: “This Act [amending section 1091b of this title] may be cited as the ‘Pell Grant Hurricane and Disaster Relief Act’.”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-409, §1, Oct. 30, 2004, 118 Stat. 2299, provided that: “This Act [amending sections 1078-10,

1087-1, and 1087j of this title and enacting provisions set out as notes under section 1078-10 of this title] may be cited as the ‘Taxpayer-Teacher Protection Act of 2004.’”

SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106-420, §1, Nov. 1, 2000, 114 Stat. 1867, provided that: “This Act [enacting section 1092d of this title, amending section 522 of Title 11, Bankruptcy, and enacting provisions set out as notes under section 1092d of this title and section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘College Scholarship Fraud Prevention Act of 2000.’”

Pub. L. 106-386, div. B, title VI, §1601(a), Oct. 28, 2000, 114 Stat. 1537, provided that: “This section [amending sections 1092 and 1232g of this title and section 14071 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under section 1092 of this title and section 14071 of Title 42] may be cited as the ‘Campus Sex Crimes Prevention Act.’”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-244, §1(a), Oct. 7, 1998, 112 Stat. 1581, provided that: “This Act [see Tables for classification] may be cited as the ‘Higher Education Amendments of 1998.’”

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-78, title VI, §609(a), Nov. 13, 1997, 111 Stat. 1522, provided in part that: “This section [amending sections 1078-3, 1087h, 1087oo to 1087qq, and 1087vv of this title and enacting provisions set out as notes under sections 1078-3 and 1087h of this title] may be cited as the ‘Emergency Student Loan Consolidation Act of 1997.’”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, §101(e) [title VI, §601], Sept. 30, 1996, 110 Stat. 3009-233, 3009-275, provided that: “This title [enacting sections 1087-3, 1087-4, and 1132f-10 of this title, amending sections 1078-3, 1085, and 1087-2 of this title, repealing sections 1087-2, 1087-3, and 1132f to 1132f-9 of this title, and enacting provisions set out as notes under sections 1078-3 and 1087-2 of this title] may be cited as the ‘Student Loan Marketing Association Reorganization Act of 1996.’”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-382, title III, §360B(a), Oct. 20, 1994, 108 Stat. 3969, provided that: “This section [amending section 1092 of this title and enacting provisions set out as a note under section 1092 of this title] may be cited as the ‘Equity in Athletics Disclosure Act.’”

SHORT TITLE OF 1993 AMENDMENTS

Pub. L. 103-208, §1(a), Dec. 20, 1993, 107 Stat. 2457, provided that: “This Act [see Tables for classification] may be cited as the ‘Higher Education Technical Amendments of 1993.’”

Pub. L. 103-66, title IV, §4011(a), Aug. 10, 1993, 107 Stat. 341, provided that: “This subtitle [subtitle A (§§4011-4047) of title IV of Pub. L. 103-66, amending sections 1072, 1078, 1078-3, 1078-8, 1085, 1087-2, and 1087a to 1087h of this title, repealing section 1078-1 of this title, omitting sections 1087i and 1087j of this title, and enacting provisions set out as notes under sections 1078, 1078-3, and 1078-8 of this title] may be cited as the ‘Student Loan Reform Act of 1993.’”

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-325, §1(a), July 23, 1992, 106 Stat. 448, provided that: “This Act [see Tables for classification] may be cited as the ‘Higher Education Amendments of 1992.’”

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-26, §1(a), Apr. 9, 1991, 105 Stat. 123, provided that: “This Act [enacting section 1211b of this

title, amending sections 1078, 1078-1, 1085, 1087ss, 1088, 1091, 1091a, 1092, 1094, and 1141 of this title, enacting provisions set out as notes under sections 1070, 1078-1, 1088, and 1091a of this title, amending provisions set out as a note under section 1092 of this title, and repealing provisions set out as a note under section 1088 of this title] may be cited as the ‘Higher Education Technical Amendments of 1991.’”

SHORT TITLE OF 1990 AMENDMENTS

Pub. L. 101-542, §1, Nov. 8, 1990, 104 Stat. 2381, provided that: “This Act [amending sections 1085, 1092, 1094, and 1232g of this title and enacting provisions set out as notes under this section and section 1092 of this title] may be cited as the ‘Student Right-To-Know and Campus Security Act.’”

Pub. L. 101-542, title I, §101, Nov. 8, 1990, 104 Stat. 2381, provided that: “This title [amending section 1092 of this title and enacting provisions set out as notes under section 1092 of this title] may be cited as the ‘Student Right-To-Know Act.’”

Pub. L. 101-542, title II, §201, Nov. 8, 1990, 104 Stat. 2384, provided that: “This title [amending sections 1092, 1094, and 1232g of this title and enacting provisions set out as notes under section 1092 of this title] may be cited as the ‘Crime Awareness and Campus Security Act of 1990.’”

Pub. L. 101-508, title III, §3001, Nov. 5, 1990, 104 Stat. 1388-25, provided that: “This subtitle [subtitle A (§§3001-3008) of title III of Pub. L. 101-508, amending sections 1078, 1078-1, 1078-7, 1085, 1088, and 1091 of this title and sections 362, 541, and 1328 of Title 11, Bankruptcy, enacting provisions set out as notes under sections 1078-7, 1085, and 1088 of this title and sections 362 and 1328 of Title 11, and amending provisions set out as a note under section 1078-1 of this title] may be cited as the ‘Student Loan Default Prevention Initiative Act of 1990.’”

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-239, title II, §2001, Dec. 19, 1989, 103 Stat. 2111, provided that: “This subtitle [subtitle A (§§2001-2009) of title II of Pub. L. 101-239, enacting section 1078-7 of this title, amending sections 1077, 1078, 1078-1, 1078-6, 1082, 1085, 1087dd, 1087tt, 1088, 1092b, and 1094 of this title, and enacting provisions set out as notes under sections 1077, 1078, 1078-1, and 1078-6 of this title] may be cited as the ‘Student Loan Reconciliation Amendments of 1989.’”

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-50, §1(a), June 3, 1987, 101 Stat. 335, provided that: “This Act [enacting sections 1059a, 1087tt, 1087uu, 1087uu-1, and 1145d-1 of this title, amending sections 1057, 1058, 1062, 1063a to 1063c, 1065, 1066, 1067, 1069a, 1070a to 1070a-4, 1070a-6, 1070b-3, 1070c-4, 1070d-1b, 1070d-2, 1070e-1, 1070f, 1075, 1077, 1077a, 1078 to 1078-3, 1078-5, 1078-6, 1080a, 1081 to 1083, 1085, 1087-1, 1087-2, 1087d, 1087bb, 1087cc, 1087cc-1, 1087dd, 1087ee, 1087oo to 1087ss, 1087vv, 1088, 1089 to 1091, 1092 to 1092b, 1095, 1096, 1098, 1109 to 1109d, 1111, 1111b, 1111f, 1111g, 1122, 1132a, 1132a-1, 1132d, 1132d-2, 1132g-3, 1132i-1, 1134h to 1134j, 1141, 1145e, 1221e, and 1221e-1 of this title, section 4604 of Title 22, Foreign Relations and Intercourse, and sections 2752, 2753, and 2756 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under section 2752 of Title 42, and amending provisions set out as notes under sections 1011, 1071, 1087dd, 1087kk, 1091, 1121, 1145d, 1221-1, and 1221e-1 of this title and section 2753 of Title 42] may be cited as the ‘Higher Education Technical Amendments Act of 1987.’”

SHORT TITLE OF 1986 AMENDMENTS

Pub. L. 99-498, §1, Oct. 17, 1986, 100 Stat. 1268, provided that: “This Act [see Tables for classification] may be cited as the ‘Higher Education Amendments of 1986.’”

Pub. L. 99-320, §1, May 23, 1986, 100 Stat. 491, provided: “That this Act [amending sections 1078 and 1080a of this title and a provision set out as a note under section

1072 of this title] may be cited as the ‘Student Financial Assistance Technical Corrections Act of 1986.’”

Pub. L. 99-272, title XVI, §16001(a), Apr. 7, 1986, 100 Stat. 339, provided that: “This title [enacting sections 1078-3, 1080a, and 1091a of this title, amending sections 1072, 1074, 1075, 1077, 1078, 1080, 1082, 1083a, 1085, 1087-1, 1087-2, 1087cc, 1087cc-1, 1087dd, 1087gg, 1089, 1091, and 1094 of this title, enacting provisions set out as notes under sections 1072, 1078, and 1078-3 of this title, and amending provisions set out as a note under section 1078 of this title] may be cited as the ‘Student Financial Assistance Amendments of 1985.’”

SHORT TITLE OF 1983 AMENDMENTS

Pub. L. 98-95, §1, Sept. 26, 1983, 97 Stat. 708, provided: “That this Act [enacting section 1065a of this title, amending section 1069c of this title, enacting provisions set out as a note under section 1132a-1 of this title, and amending provisions set out as notes under sections 123 and 1069c of this title] may be cited as the ‘Challenge Grant Amendments of 1983.’”

Pub. L. 98-79, §1, Aug. 15, 1983, 97 Stat. 476, provided: “That this Act [amending sections 1071, 1077, 1077a, 1078, 1078-2, 1083a, 1087-1, 1087-2, 1087cc-1, and 1098 of this title, repealing section 1087-1a of this title, enacting provisions set out as notes under sections 1077, 1077a, 1078, and 1087-1 of this title, and amending provisions set out as notes under sections 1070a, 1078, and 1089 of this title] may be cited as the ‘Student Loan Consolidation and Technical Amendments Act of 1983.’”

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-301, §1, Oct. 13, 1982, 96 Stat. 1400, which provided: “That this Act [amending sections 1070a, 1083a, 1087-2, and 1087cc-1 of this title and enacting provisions set out as notes under sections 1070a, 1070b-3, 1078, 1087bb, 1089, and 1221e-1 of this title and section 2752 of Title 42, The Public Health and Welfare] may be cited as the ‘Student Financial Assistance Technical Amendments Act of 1982.’”, was repealed by Pub. L. 99-498, title IV, §408(b), Oct. 17, 1986, 100 Stat. 1495, eff. with respect to any academic year beginning on or after July 1, 1988.

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97-35, title V, subtitle B, §531, Aug. 13, 1981, 95 Stat. 450, provided that: “This subtitle [amending sections 1075, 1077, 1077a, 1078, 1078-1, 1078-2, 1087-1, 1087-2, 1087dd, 1089, 1096, and 1232 of this title, repealing section 1087-3a of this title, and enacting provisions set out as notes under section 1078 of this title] may be cited as the ‘Postsecondary Student Assistance Amendments of 1981.’”

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-374, §1, Oct. 3, 1980, 94 Stat. 1367, provided: “That this Act [enacting sections 239a, 1001 to 1005, 1011 to 1015, 1016 to 1019, 1021, 1022, 1029, 1031 to 1034, 1041, 1042, 1047 to 1047j, 1051, 1057 to 1069c, 1070d-1a to 1070d-2, 1077a, 1078-2, 1083a, 1087-1a, 1087cc-1, 1087hh, 1087ii, 1088 to 1098, 1119b to 1119b-5, 1119c to 1119c-2, 1121 to 1127, 1130 to 1132, 1132a to 1132a-1, 1132b to 1132c, 1132d to 1132d-4, 1132e, 1132e-1, 1134d to 1134p, 1135 to 1135a-3, 1136 to 1136d, 1143, 1144a, 1145, 1146, 1221e-1b, 1221e-4, and 3063 to 3065 of this title, section 640c-2 of Title 25, Indians, and sections 2753 and 2756b of Title 42, The Public Health and Welfare, amending sections 1070 to 1070c-3, 1070d, 1070d-1, 1070e to 1077, 1078, 1078-1, 1079, 1080 to 1083, 1085 to 1087-1, 1087-2, 1087aa to 1087cc, 1087dd to 1087gg, 1101 to 1104, 1119 to 1119a-1, 1133 to 1134c, 1135c-1, 1141, 1142, 1221e, 1226a, 1226c, and 1232 of this title, section 326a of Title 7, Agriculture, section 640c-1 of Title 25, sections 714 and 792 of Title 29, Labor, and sections 2751, 2752, and 2756 of Title 42, repealing sections 511 to 513, 1070c-4, 1070d-3, 1087-4, 1134q to 1134s, 1142a, 1142b, 1145, 1145a, 1145c, 1172 to 1174, 1176, 1177, and 1221d of this title and section 2754 of Title 42, enacting provisions set out as notes under sections 236, 1001, 1119b, and 1221-1 of this title and section 301 of Title 7, and amending provi-

sions set out as notes under section 236 of this title and section 301 of Title 7] may be cited as the ‘Education Amendments of 1980.’”

SHORT TITLE OF 1979 AMENDMENT

Pub. L. 96-49, §1, Aug. 13, 1979, 93 Stat. 351, provided: “That this Act [enacting section 1087gg of this title, amending this section and sections 513, 1021, 1042, 1051, 1070a, 1070b, 1070c, 1070d, 1070d-2, 1070e-1, 1078, 1087-1, 1087aa, 1088, 1101, 1119, 1121, 1132a, 1132b, 1132c, 1132c-4, 1134, 1134e, 1134i, 1134n, 1134r-1, 1135, 1135a, 1136b, 1142b, 1221d, and 1221e of this title, enacting provisions set out as notes under sections 1070a, 1087-1, 1087gg, and 1088 of this title, and amending provisions set out as a note under section 1070a of this title] may be cited as the ‘Higher Education Technical Amendments of 1979.’”

SHORT TITLE OF 1978 AMENDMENTS

Pub. L. 95-566, §1, Nov. 1, 1978, 92 Stat. 2402, provided: “That this Act [enacting section 1087-3a of this title, amending sections 1070a, 1070c-2, 1070d-1, 1075, 1077, 1078, 1088 and 1088f of this title, and enacting provisions set out as a note under this section] may be cited as the ‘Middle Income Student Assistance Act.’”

Pub. L. 95-336, §1, Aug. 4, 1978, 92 Stat. 451, provided: “That this Act [amending section 1070e-1 of this title, sections 1001, 1002, and 1007 of Title 21, Food and Drugs, and former section 246 of Title 38, Veterans’ Benefits, and enacting provisions set out as a note under section 1070e-1 of this title] may be cited as the ‘Alcohol and Drug Abuse Education Amendments of 1978.’”

SHORT TITLE OF 1976 AMENDMENTS

Pub. L. 94-482, §1, Oct. 12, 1976, 90 Stat. 2081, provided: “That this Act [see Tables for classification] may be cited as the ‘Education Amendments of 1976.’”

Pub. L. 94-328, §1, June 30, 1976, 90 Stat. 727, provided: “That this joint resolution [amending sections 1070a, 1074, 1078 and 1078a of this title and enacting provisions set out as notes under section 1226a of this title and section 2756 of Title 42, The Public Health and Welfare] may be cited as the ‘Emergency Technical Provisions Act of 1976.’”

SHORT TITLE OF 1972 AMENDMENT

Pub. L. 92-318, §1, June 23, 1972, 86 Stat. 235, provided: “That this Act [enacting chapter 36 (§1601 et seq.), chapter 37 (§1651 et seq.), chapter 38 (§1681 et seq.), and sections 241aa to 241ff, 887c, 887d, 900 to 900a-5, 1005a, 1021, 1031, 1042, 1070 to 1070e, 1070e-1, 1087-1, 1087-2, 1087aa to 1087ff, 1088d to 1088g, 1119a, 1132a to 1132e-1, 1134 to 1134s, 1135, 1135a, 1135b to 1135c, 1135c-1, 1142a, 1142b, 1144a, 1145a, 1211a, 1221a to 1221h, 1227 of this title, and section 326a of Title 7, Agriculture, and 2756a of Title 42, The Public Health and Welfare, amending this section and sections 240, 241c, 241e, 331a, 332, 421, 441, 511, 513, 822, 823, 842, 843, 863, 880b-3a, 1003, 1011, 1021, 1022 to 1024, 1027, 1031, 1033, 1041, 1051 to 1056, 1061, 1068, 1070, 1074, 1075, 1077, 1078, 1078a, 1080, 1083, 1084, 1087, 1087a, 1087c, 1088, 1088c, 1091, 1091a to 1091c, 1101, 1102, 1108 to 1111, 1115, 1116, 1118, 1119, 1119a, 1119b-2, 1121, 1129, 1133, 1133a, 1134j, 1136, 1136a, 1136b, 1141, 1176, 1231, 1231a, 1232a, 1232c, 1242, 1244, 1248, 1302, 1321 to 1323, 1341, 1352, 1371, 1391, and 1412 of this title, and sections 329, 331, 343, 349, 361, and 1626 of Title 7, sections 24, 84, 1464, and 1757 of Title 12, Banks and Banking, sections 203 and 213 of Title 29, Labor, and sections 2751, 2752, and 2754 of Title 42, repealing sections 1, 2, 426, 711 to 721, 731, 732, 746, 1021, 1031, 1032, 1060, 1118, 1119a, 1119b-2, and 1119c-4 of this title, and enacting provisions set out as notes under this section and sections 241a, 241e, 241aa, 331a, 425, 821, 887d, 1005a, 1009, 1070, 1070e, 1074, 1075, 1087-2, 1087aa, 1091a, 1132a, 1132c-3, 1135c, 1231, and 1232 of this title, sections 301 and 326a of Title 7, and section 3501 of Title 42] may be cited as the ‘Education Amendments of 1972.’”

SHORT TITLE OF 1968 AMENDMENT

Pub. L. 90-575, §1, Oct. 16, 1968, 82 Stat. 1014, provided: “That this Act [enacting sections 451 to 455, 746, 1056,

1060, 1087, 1087a to 1087c, 1088 to 1088c, 1089, 1119a-1, 1129a, 1133 to 1133b, 1134 to 1134f, 1135, 1135a, 1135b, 1135c, 1136 to 1136b, 1145, 1146 to 1150 of this title, amending this section and sections 403, 421 to 425, 425 note, 426, 441 to 445, 462 to 464, 481 to 484, 511, 513, 562, 581, 584, 588, 591, 711, 713 to 718, 731, 732, 743, 751, 758, 961, 1005, 1006, 1021 to 1024, 1031, 1033, 1041, 1051, 1061, 1062, 1065 to 1068, 1071 to 1075, 1077, 1078, 1080, 1083 to 1086, 1091c, 1101, 1104, 1108 to 1111, 1113, 1114, 1115, 1118, 1119a, 1119b-2, 1121, 1124, 1125, 1141, 1142, 1143, 1144 and 1176 of this title, section 1464 of Title 12, Banks and Banking, and sections 2741, 2751 to 2756, and 2809 of Title 42, The Public Health and Welfare, repealing sections 733, 981 to 996 of this title, and section 2757 of Title 42, and enacting provisions set out as notes under this section and sections 423 to 425, 445, 462 to 464, 588, 713, 716 to 718, 743, 751, 981, 1006, 1022, 1024, 1051, 1056, 1060, 1067, 1071, 1077, 1078, 1083, 1088b, and 1109 of this title, and sections 2751, 2753, 2754, and 2809 of Title 42] may be cited as the ‘Higher Education Amendments of 1968’.”

SHORT TITLE OF 1966 AMENDMENT

Pub. L. 89-752, §1, Nov. 3, 1966, 80 Stat. 1240, provided: “That this Act [enacting section 1086 of this title, amending sections 403, 421, 425, 441, 443, 711-715, 731, 743, 744, 751, 1022, 1051, 1072, 1121, and 1124 of this title, and enacting provisions set out as notes under sections 403, 443, 1022, 1071, and 1124 of this title] may be cited as the ‘Higher Education Amendments of 1966’.”

SHORT TITLE

Pub. L. 89-329, §1, Nov. 8, 1965, 79 Stat. 1219, provided: “That this Act [enacting this chapter and section 2757 of Title 42, The Public Health and Welfare, and amending sections 403, 424, 425, 441, 443, 591, 711, 713 to 717, 731, and 751 of this title, and sections 2751 to 2756, and 2761 of Title 42] may be cited as the ‘Higher Education Act of 1965’.”

Pub. L. 89-329, title V, §509, as added by Pub. L. 90-35, §8, provided that title V of Pub. L. 89-329 could be cited as the “Education Professions Development Act”, prior to the general amendment of title V of Pub. L. 89-329 by Pub. L. 99-498, title V, §501(a), Oct. 17, 1986, 100 Stat. 1495.

For short title of section 1092(f) of this title as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, see section 1092(f)(18) of this title.

EMERGENCY FINANCIAL AID GRANTS

Pub. L. 116-260, div. N, title II, §277, Dec. 27, 2020, 134 Stat. 1980, provided that:

“(a) IN GENERAL.—In the case of a student receiving a qualified emergency financial aid grant—

“(1) such grant shall not be included in the gross income of such individual for purposes of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.], and

“(2) such grant shall not be treated as described in subparagraph (A), (B), or (C) of section 25A(g)(2) of such Code [26 U.S.C. 25A(g)(2)].

“(b) DEFINITIONS.—For purposes of this subsection, the term ‘qualified emergency financial aid grant’ means—

“(1) any emergency financial aid grant awarded by an institution of higher education under section 3504 of the CARES Act [section 3504 of Pub. L. 116-136, set out below],

“(2) any emergency financial aid grant from an institution of higher education made with funds made available under section 18004 of the CARES Act [Pub. L. 116-136, 20 U.S.C. 3401 note], and

“(3) any other emergency financial aid grant made to a student from a Federal agency, a State, an Indian tribe, an institution of higher education, or a scholarship-granting organization (including a tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C.5304 [sic])) for the purpose of providing financial relief to students enrolled at institutions of high-

er education in response to a qualifying emergency (as defined in section 3502(a)(4) of the CARES Act [section 3502(a)(4) of Pub. L. 116-136, set out below]).

“(c) LIMITATION.—This section shall not apply to that portion of any amount received which represents payment for teaching, research, or other services required as a condition for receiving the qualified emergency financial aid grant.

“(d) EFFECTIVE DATE.—This section shall apply to qualified emergency financial aid grants made after March 26, 2020.”

GUIDANCE TO STATES

Pub. L. 116-260, div. FF, title VII, §702(a)(3), Dec. 27, 2020, 134 Stat. 3138, provided that: “The Secretary of Education shall issue guidance for States on interpretation and implementation of the terminology and formula adjustments made to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) under the amendments by this Act [probably means “this title”, see Tables for classification], including the student aid index, formerly known as the expected family contribution, and the need analysis formulas.”

FORGIVENESS OF HBCU CAPITAL FINANCING LOANS

Pub. L. 116-260, div. FF, title VII, §706, Dec. 27, 2020, 134 Stat. 3200, provided that:

“(a) FORGIVENESS.—Not later than 90 days after the effective date of this section [see Effective Date of 2020 Amendment note set out above], the Secretary of Education shall repay each institution of higher education’s outstanding balance of principal, interest, fees, and costs on the disbursed loan amounts (as of such effective date) under each applicable closed loan agreement, including paying any reimbursement (including reimbursements of escrow and return of fees and deposits) relating to the applicable closed loan agreement that are usual and customary when the loan is paid off by the institution.

“(b) APPLICABLE CLOSED LOAN AGREEMENT.—In this section, the term ‘applicable closed loan agreement’ means each of the following:

“(1) A closed loan agreement executed before the date of enactment of this Act [Dec. 27, 2020] and made under part D of title III of the Higher Education Act of 1965 (20 U.S.C. 1066 et seq.).

“(2) A closed loan agreement executed before the date of enactment of this Act and made for deferment balances authorized under—

“(A) section 3512 of the CARES Act [Pub. L. 116-136] (20 U.S.C. 1001 note);

“(B) title III of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94; 133 Stat. 2586) [see Tables for classification];

“(C) title III of division B of the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (Public Law 115-245; 132 Stat. 3097) [see Tables for classification]; or

“(D) title III of division H of the Consolidated Appropriations Act, 2018 (Public Law 115-141; 132 Stat. 741) [see Tables for classification].

“(c) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated, and there are appropriated, out of any amounts in the Treasury not otherwise appropriated, such sums as may be necessary to carry out subsection (a).

“(d) EFFECTIVE DATE.—Notwithstanding section 701(b) [set out as a note above], this section shall take effect on the date of enactment of this Act [Dec. 27, 2020].”

COVID-19 PANDEMIC EDUCATION RELIEF

Pub. L. 116-136, div. A, title III, §§3502-3510, 3512, 3513, 3517-3519, Mar. 27, 2020, 134 Stat. 395-399, 403, 404, 408, 409, as amended by Pub. L. 116-260, div. FF, title I, §101(a), Dec. 27, 2020, 134 Stat. 3082, provided that:

“SEC. 3502. DEFINITIONS.

“(a) DEFINITIONS.—In this subtitle [subtitle B (§§3501–3519) of title III of div. A of Pub. L. 116–136, see Short Title of 2020 Amendment note set out above]:

“(1) CORONAVIRUS.—The term ‘coronavirus’ has the meaning given the term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123 [134 Stat. 155]).

“(2) FOREIGN INSTITUTION.—The term ‘foreign institution’ means an institution of higher education located outside the United States that is described in paragraphs (1)(C) and (2) of section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

“(3) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning of the term under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

“(4) QUALIFYING EMERGENCY.—The term ‘qualifying emergency’ means—

“(A) a public health emergency related to the coronavirus declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d);

“(B) an event related to the coronavirus for which the President declared a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191); or

“(C) a national emergency related to the coronavirus declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.) [50 U.S.C. 1621].

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

“SEC. 3503. CAMPUS-BASED AID WAIVERS.

“(a) WAIVER OF NON-FEDERAL SHARE REQUIREMENT.—Notwithstanding sections 413C(a)(2) and 443(b)(5) of the Higher Education Act of 1965 (20 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect to funds made available for award years 2019–2020 and 2020–2021, the Secretary shall waive the requirement that a participating institution of higher education provide a non-Federal share to match Federal funds provided to the institution for the programs authorized pursuant to subpart 3 of part A and part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq. and 1087–51 et seq.) for all awards made under such programs during such award years, except nothing in this subsection shall affect the non-Federal share requirement under section 443(c)(3) that applies to private for-profit organizations.

“(b) AUTHORITY TO REALLOCATE.—Notwithstanding sections 413D, 442, and 488 of the Higher Education Act of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during a period of a qualifying emergency, an institution may transfer up to 100 percent of the institution’s unexpended allotment under section 442 of such Act to the institution’s allotment under section 413D of such Act, but may not transfer any funds from the institution’s unexpended allotment under section 413D of such Act to the institution’s allotment under section 442 of such Act.

“SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS FOR EMERGENCY AID.

“(a) IN GENERAL.—Notwithstanding section 413B of the Higher Education Act of 1965 (20 U.S.C. 1070b–1), an institution of higher education may reserve any amount of an institution’s allocation under subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.) for a fiscal year to award, in such fiscal year, emergency financial aid grants to assist undergraduate or graduate students for unexpected expenses and unmet financial need as the result of a qualifying emergency.

“(b) DETERMINATIONS.—In determining eligibility for and awarding emergency financial aid grants under this section, an institution of higher education may—

“(1) waive the amount of need calculation under section 471 of the Higher Education Act of 1965 (20 U.S.C. 1087kk);

“(2) allow for a student affected by a qualifying emergency to receive funds in an amount that is not more than the maximum Federal Pell Grant for the applicable award year; and

“(3) utilize a contract with a scholarship-granting organization designated for the sole purpose of accepting applications from or disbursing funds to students enrolled in the institution of higher education, if such scholarship-granting organization disburses the full allocated amount provided to the institution of higher education to the recipients.

“(c) SPECIAL RULE.—Any emergency financial aid grants to students under this section shall not be treated as other financial assistance for the purposes of section 471 of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

“SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING EMERGENCY.

“(a) IN GENERAL.—In the event of a qualifying emergency, an institution of higher education participating in the program under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.) may make payments under such part to affected work-study students, for the period of time (not to exceed one academic year) in which affected students were unable to fulfill the students’ work-study obligation for all or part of such academic year due to such qualifying emergency, as follows:

“(1) Payments may be made under such part to affected work-study students in an amount equal to or less than the amount of wages such students would have been paid under such part had the students been able to complete the work obligation necessary to receive work study funds, as a one time grant or as multiple payments.

“(2) Payments shall not be made to any student who was not eligible for work study or was not completing the work obligation necessary to receive work study funds under such part prior to the occurrence of the qualifying emergency.

“(3) Any payments made to affected work-study students under this subsection shall meet the matching requirements of section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–53), unless such matching requirements are waived by the Secretary.

“(b) DEFINITION OF AFFECTED WORK-STUDY STUDENT.—In this section, the term ‘affected work-study student’ means a student enrolled at an eligible institution participating in the program under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.) who—

“(1) received a work-study award under section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–53) for the academic year during which a qualifying emergency occurred;

“(2) earned Federal work-study wages from such eligible institution for such academic year; and

“(3) was prevented from fulfilling the student’s work-study obligation for all or part of such academic year due to such qualifying emergency.

“SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIMITS.

“Notwithstanding section 455(q)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Secretary shall exclude from a student’s period of enrollment for purposes of loans made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) any semester (or the equivalent) that the student does not complete due to a qualifying emergency, if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.

“SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURATION LIMIT.

“The Secretary shall exclude from a student’s Federal Pell Grant duration limit under section 401(c)(5) of the Higher Education Act of 1965 (20 U.S.C. 1070a(c)(5)) [probably means 20 U.S.C. 1070a(c)(5)] any semester (or the equivalent) that the student does not complete due

to a qualifying emergency if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.

“SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STUDENT LOAN FLEXIBILITY.

“(a) INSTITUTIONAL WAIVER.—

“(1) IN GENERAL.—The Secretary shall waive the institutional requirement under section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b) with respect to the amount of grant or loan assistance (other than assistance received under part C of title IV of such Act [20 U.S.C. 1087–51 et seq.]) to be returned under such section if a recipient of assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) withdraws from the institution of higher education during the payment period or period of enrollment as a result of a qualifying emergency.

“(2) WAIVERS.—The Secretary shall require each institution using a waiver relating to the withdrawal of recipients under this subsection to report the number of such recipients, the amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) for which each institution has not returned assistance under title IV to the Secretary.

“(b) STUDENT WAIVER.—The Secretary shall waive the amounts that students are required to return under section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b) with respect to Federal Pell Grants or other grant assistance if the withdrawals on which the returns are based, are withdrawals by students who withdrew from the institution of higher education as a result of a qualifying emergency.

“(c) CANCELING LOAN OBLIGATION.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall cancel the borrower’s obligation to repay the entire portion of a loan made under part D of title IV of such Act (20 U.S.C. 1087a et seq.) associated with a payment period for a recipient of such loan who withdraws from the institution of higher education during the payment period as a result of a qualifying emergency.

“(d) APPROVED LEAVE OF ABSENCE.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an institution of higher education may, as a result of a qualifying emergency, provide a student with an approved leave of absence that does not require the student to return at the same point in the academic program that the student began the leave of absence if the student returns within the same semester (or the equivalent).

“SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.

“Notwithstanding section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091), in determining whether a student is maintaining satisfactory academic progress for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an institution of higher education may, as a result of a qualifying emergency, exclude from the quantitative component of the calculation any attempted credits that were not completed by such student without requiring an appeal by such student.

“SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOREIGN INSTITUTIONS.

“(a) IN GENERAL.—Notwithstanding section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)), with respect to a foreign institution, in the case of a public health emergency, major disaster or emergency, or national emergency declared by the applicable government authorities in the country in which the foreign institution is located, the Secretary may permit any part of an otherwise eligible program to be offered via distance education for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.)

until the end of the covered period applicable to the institution.

“(b) ELIGIBILITY.—An otherwise eligible program that is offered in whole or in part through distance education by a foreign institution between March 1, 2020, and the date of enactment of this Act [Mar. 27, 2020] shall be deemed eligible for the purposes of part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) until the end of the covered period applicable to the institution. An institution of higher education that uses the authority provided in the previous sentence shall report such use to the Secretary—

“(1) for the 2019–2020 award year, not later than June 30, 2020; and

“(2) for an award year subsequent to the 2019–2020 award year, not later than 30 days after such use.

“(c) REPORT.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter until all covered periods for foreign institutions carrying out a distance education program authorized under this section have ended, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each foreign institution that carried out a distance education program authorized under this section.

“(d) WRITTEN ARRANGEMENTS.—

“(1) IN GENERAL.—Notwithstanding section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), until the end of the covered period applicable to a foreign institution, the Secretary may allow the foreign institution to enter into a written arrangement with an institution of higher education located in the United States that participates in the Federal Direct Loan Program under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) for the purpose of allowing a student of the foreign institution who is a borrower of a loan made under such part to take courses from the institution of higher education located in the United States.

“(2) FORM OF ARRANGEMENTS.—

“(A) PUBLIC OR OTHER NONPROFIT INSTITUTIONS.—A foreign institution that is a public or other nonprofit institution may enter into a written arrangement under paragraph (1) only with an institution of higher education described in section 101 of such Act (20 U.S.C. 1001).

“(B) OTHER INSTITUTIONS.—A foreign institution that is a graduate medical school, nursing school, or a veterinary school and that is not a public or other nonprofit institution may enter into a written arrangement under paragraph (1) with an institution of higher education described in section 101 or section 102 of such Act (20 U.S.C. 1001 and 1002).

“(3) REPORT ON USE.—An institution of higher education that uses the authority described in paragraph (2) shall report such use to the Secretary—

“(A) for the 2019–2020 award year, not later than June 30, 2020; and

“(B) for an award year subsequent to the 2019–2020 award year, not later than 10 days after such use.

“(4) REPORT FROM THE SECRETARY.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter until all covered periods for foreign institutions that entered into written arrangements under paragraph (1) have ended, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies, for each such foreign institution—

“(A) the name of the foreign institution;

“(B) the name of the institution of higher education located in the United States that has entered into a written arrangement with such foreign institution; and

“(C) information regarding the nature of such written arrangement, including which coursework or program requirements are accomplished at each respective institution.

“(e) DEFINITION OF COVERED PERIOD.—

“(1) IN GENERAL.—In this section, the term ‘covered period’, when used with respect to a foreign institution of higher education, means the period—

“(A) beginning on the first day of—

“(i) a qualifying emergency; or

“(ii) a public health emergency, major disaster or emergency, or national emergency declared by the applicable government authorities in the country in which the foreign institution is located; and

“(B) ending on the later of—

“(i) subject to paragraph (2), the last day of the payment period, for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), following the end of any qualifying emergency or any emergency or disaster described in subparagraph (A)(ii) applicable to the foreign institution; or

“(ii) June 30, 2022.

“(2) SPECIAL RULE FOR CERTAIN PAYMENT PERIODS.—For purposes of subparagraph (B)(i) [probably should be ‘paragraph (1)(B)(i)’], if the following payment period for an award year ends before June 30 of such award year, the covered period shall be extended until June 30 of such award year.

“SEC. 3512. HBCU CAPITAL FINANCING.

“(a) DEFERMENT PERIOD.—

“(1) IN GENERAL.—Notwithstanding any provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.), or any regulation promulgated under such title, the Secretary may grant a deferment, for the duration of a qualifying emergency, to an institution that has received a loan under part D of title III of such Act (20 U.S.C. 1066 et seq.).

“(2) TERMS.—During the deferment period granted under this subsection—

“(A) the institution shall not be required to pay any periodic installment of principal or interest required under the loan agreement for such loan; and

“(B) the Secretary shall make principal and interest payments otherwise due under the loan agreement.

“(3) CLOSING.—At the closing of a loan deferred under this subsection, terms shall be set under which the institution shall be required to repay the Secretary for the payments of principal and interest made by the Secretary during the deferment, on a schedule that begins upon repayment to the lender in full on the loan agreement, except in no case shall repayment be required to begin before the date that is 1 full fiscal year after the date that is the end of the qualifying emergency.

“(b) TERMINATION DATE.—

“(1) IN GENERAL.—The authority provided under this section to grant a loan deferment under subsection (a) shall terminate on the date on which the qualifying emergency is no longer in effect.

“(2) DURATION.—Any provision of a loan agreement or insurance agreement modified by the authority under this section shall remain so modified for the duration of the period covered by the loan agreement or insurance agreement.

“(c) REPORT.—Not later than 180 days after the date of enactment of this Act [Mar. 27, 2020], and every 180 days thereafter during the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each institution that received assistance under this section.

“(d) FUNDING.—There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$62,000,000 to carry out this section.

“SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT LOAN BORROWERS.

“(a) IN GENERAL.—The Secretary shall suspend all payments due for loans made under part D and part B

(that are held by the Department of Education) of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.) through September 30, 2020.

“(b) NO ACCRUAL OF INTEREST.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), interest shall not accrue on a loan described under subsection (a) for which payment was suspended for the period of the suspension.

“(c) CONSIDERATION OF PAYMENTS.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall deem each month for which a loan payment was suspended under this section as if the borrower of the loan had made a payment for the purpose of any loan forgiveness program or loan rehabilitation program authorized under part D or B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.) for which the borrower would have otherwise qualified.

“(d) REPORTING TO CONSUMER REPORTING AGENCIES.—During the period in which the Secretary suspends payments on a loan under subsection (a), the Secretary shall ensure that, for the purpose of reporting information about the loan to a consumer reporting agency, any payment that has been suspended is treated as if it were a regularly scheduled payment made by a borrower.

“(e) SUSPENDING INVOLUNTARY COLLECTION.—During the period in which the Secretary suspends payments on a loan under subsection (a), the Secretary shall suspend all involuntary collection related to the loan, including—

“(1) a wage garnishment authorized under section 488A of the Higher Education Act of 1965 (20 U.S.C. 1095a) or section 3720D of title 31, United States Code;

“(2) a reduction of tax refund by amount of debt authorized under section 3720A of title 31, United States Code, or section 6402(d) of the Internal Revenue Code of 1986;

“(3) a reduction of any other Federal benefit payment by administrative offset authorized under section 3716 of title 31, United States Code (including a benefit payment due to an individual under the Social Security Act [42 U.S.C. 301 et seq.] or any other provision described in subsection (c)(3)(A)(i) of such section); and

“(4) any other involuntary collection activity by the Secretary.

“(f) WAIVERS.—In carrying out this section, the Secretary may waive the application of—

“(1) subchapter I of chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’);

“(2) the master calendar requirements under section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089);

“(3) negotiated rulemaking under section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a); and

“(4) the requirement to publish the notices related to the system of records of the agency before implementation required under paragraphs (4) and (11) of section 552a(e) of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’), except that the notices shall be published not later than 180 days after the date of enactment of this Act [Mar. 27, 2020].

“(g) NOTICE TO BORROWERS AND TRANSITION PERIOD.—To inform borrowers of the actions taken in accordance with this section and ensure an effective transition, the Secretary shall—

“(1) not later than 15 days after the date of enactment of this Act, notify borrowers—

“(A) of the actions taken in accordance with subsections (a) and (b) for whom payments have been suspended and interest waived;

“(B) of the actions taken in accordance with subsection (e) for whom collections have been suspended;

“(C) of the option to continue making payments toward principal; and

“(D) that the program under this section is a temporary program.

“(2) beginning on August 1, 2020, carry out a program to provide not less than 6 notices by postal mail, telephone, or electronic communication to borrowers indicating—

“(A) when the borrower’s normal payment obligations will resume; and

“(B) that the borrower has the option to enroll in income-driven repayment, including a brief description of such options.

“SEC. 3517. WAIVER AUTHORITY AND REPORTING REQUIREMENT FOR INSTITUTIONAL AID.

“(a) WAIVER AUTHORITY.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), unless enacted with specific reference to this section, for any institution of higher education that was receiving assistance under title III, title V, or subpart 4 of part A of title VII of such Act (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the time of a qualifying emergency, the Secretary may, for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency—

“(1) waive—

“(A) the eligibility data requirements set forth in section 391(d) and 521(e) of the Higher Education Act of 1965 (20 U.S.C. 1068(d); 1103(e));

“(B) the wait-out period set forth in section 313(d) of the Higher Education Act of 1965 (20 U.S.C. 1059(d));

“(C) the allotment requirements under paragraphs (2) and (3) of subsection [sic] 318(e) of the Higher Education Act of 1965 (20 U.S.C. 1059e(e)), and the reference to ‘the academic year preceding the beginning of that fiscal year’ under such section 318(e)(1);

“(D) the allotment requirements under subsections (b), (c), and (g) of section 324 of the Higher Education Act of 1965 (20 U.S.C. 1063), the reference to ‘the end of the school year preceding the beginning of that fiscal year’ under such section 324(a), and the reference to ‘the academic year preceding such fiscal year’ under such section 324(h);

“(E) subparagraphs (A), (C), (D), and (E) of section 326(f)(3) of the Higher Education Act of 1965 (20 U.S.C. 1063b(f)(3)), and references to ‘previous year’ under such section 326(f)(3)(B);

“(F) subparagraphs (A), (C), (D), and (E) of section 723(f)(3) and subparagraphs (A), (C), (D), and (E) of section 724(f)(3) of the Higher Education Act of 1965 (20 U.S.C. 1136a(f)(3); 1136b(f)(3)), and references to ‘previous academic year’ under subparagraph (B) of such sections 723(f)(3) and 724(f)(3); and

“(G) the allotment restriction set forth in section 318(d)(4) and section 323(c)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059e(d)(4); 1062(c)(2)); and

“(2) waive or modify any statutory or regulatory provision to ensure that institutions that were receiving assistance under title III, title V, or subpart 4 of part A of title VII of such Act (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the time of a qualifying emergency are not adversely affected by any formula calculation for fiscal year 2020 and for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency, as necessary.

“(b) USE OF UNEXPENDED FUNDS.—Any funds paid to an institution under title III, title V, or subpart 4 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) and not expended or used for the purposes for which the funds were paid to the institution during the 5-year period following the date on which the funds were first paid to the institution, may be carried over and expended during the succeeding 5-year period.

“(c) REPORT.—Not later than 180 days after the date of enactment of this Act [Mar. 27, 2020], and every 180 days thereafter for the period beginning on the first

day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each institution that received a waiver or modification under this section.

“SEC. 3518. AUTHORIZED USES AND OTHER MODIFICATIONS FOR GRANTS.

“(a) IN GENERAL.—The Secretary is authorized to modify the required and allowable uses of funds for grants awarded under part A or B of title III, chapter I or II of subpart 2 of part A of title IV, title V, or subpart 4 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.; 1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an institution of higher education or other grant recipient (not including individual recipients of Federal student financial assistance), at the request of an institution of higher education or other recipient of a grant (not including individual recipients of Federal student financial assistance) as a result of a qualifying emergency, for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency.

“(b) MATCHING REQUIREMENT MODIFICATIONS.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary is authorized to modify any Federal share or other financial matching requirement for a grant awarded on a competitive basis or a grant awarded under part A or B of title III or subpart 4 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1136a et seq.) at the request of an institution of higher education or other grant recipient as a result of a qualifying emergency, for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency.

“(c) REPORTS.—Not later than 180 days after the date of enactment of this Act [Mar. 27, 2020], and every 180 days thereafter for the duration of the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each institution of higher education or other grant recipient that received a modification under this section.

“SEC. 3519. SERVICE OBLIGATIONS FOR TEACHERS.

“(a) TEACH GRANTS.—For the purpose of section 420N of the Higher Education Act of 1965 (20 U.S.C. 1070g–2), during a qualifying emergency, the Secretary—

“(1) may modify the categories of extenuating circumstances under which a recipient of a grant under subpart 9 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070g et seq.) who is unable to fulfill all or part of the recipient’s service obligation may be excused from fulfilling that portion of the service obligation; and

“(2) shall consider teaching service that, as a result of a qualifying emergency, is part-time or temporarily interrupted, to be full-time service and to fulfill the service obligations under such section 420N.

“(b) TEACHER LOAN FORGIVENESS.—Notwithstanding section 428J or 460 of the Higher Education Act of 1965 (20 U.S.C. 1078–10; 1087j), the Secretary shall waive the requirements under such sections that years of teaching service shall be consecutive if—

“(1) the teaching service of a borrower is temporarily interrupted due to a qualifying emergency; and

“(2) after the temporary interruption due to a qualifying emergency, the borrower resumes teaching service and completes a total of 5 years of qualifying teaching service under such sections, including qualifying teaching service performed before, during, and after such qualifying emergency.”

[Pub. L. 116–260, div. FF, title I, §101(a)(4)(D)(ii), Dec. 27, 2020, 134 Stat. 3083, which directed amendment of

section 3510(d)(4) of Pub. L. 116-136, set out above, by substituting “identifies, for each such foreign institution—” and subpars. (A) to (C) for “identifies each foreign institution that entered into a written arrangement under subsection (a).”, was executed by making the substitution for “identifies each foreign institution that entered into a written arrangement authorized under subsection (a).” to reflect the probable intent of Congress.]

[Pub. L. 116-260, div. FF, title I, §101(b), Dec. 27, 2020, 134 Stat. 3083, provided that: “The amendments made by subsection (a) [amending section 3510 of Pub. L. 116-136, set out above] shall take effect as if included in the enactment of the CARES Act (Public Law 116-136).”]

HIGHER EDUCATION EXTENSION

Pub. L. 109-81, Sept. 30, 2005, 119 Stat. 2048, as amended by Pub. L. 109-150, §2(a), Dec. 30, 2005, 119 Stat. 2884; Pub. L. 109-212, §2, Apr. 1, 2006, 120 Stat. 321; Pub. L. 109-238, §2, June 30, 2006, 120 Stat. 507; Pub. L. 109-292, §2, Sept. 30, 2006, 120 Stat. 1340; Pub. L. 110-44, §2, July 3, 2007, 121 Stat. 238; Pub. L. 110-51, §2, July 31, 2007, 121 Stat. 263; Pub. L. 110-109, §2, Oct. 31, 2007, 121 Stat. 1028; Pub. L. 110-198, §2, Mar. 24, 2008, 122 Stat. 656; Pub. L. 110-230, §1(a), May 13, 2008, 122 Stat. 877; Pub. L. 110-238, §1(a), May 30, 2008, 122 Stat. 1558; Pub. L. 110-256, §1(a), June 30, 2008, 122 Stat. 2425; Pub. L. 110-300, §1(a), July 31, 2008, 122 Stat. 2998, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Higher Education Extension Act of 2005’.

“SEC. 2. EXTENSION OF PROGRAMS.

“(a) EXTENSION OF DURATION.—The authorization of appropriations for, and the duration of, each program authorized under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) shall be extended through August 15, 2008.

“(b) PERFORMANCE OF REQUIRED AND AUTHORIZED FUNCTIONS.—If the Secretary of Education, a State, an institution of higher education, a guaranty agency, a lender, or another person or entity—

“(1) is required, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the Higher Education Act of 1965, such acts, determinations, or payments shall be required to be carried out, made, or continued during the period of the extension under this section; or

“(2) is permitted or authorized, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the Higher Education Act of 1965, such acts, determinations, or payments are permitted or authorized to be carried out, made, or continued during the period of the extension under this section.

“(c) EXTENSION AT CURRENT LEVELS.—The amount authorized to be appropriated for a program described in subsection (a) during the period of extension under this section shall be the amount authorized to be appropriated for such program for fiscal year 2004, or the amount appropriated for such program for such fiscal year, whichever is greater. Except as provided in any amendment to the Higher Education Act of 1965 enacted during fiscal year 2005 or 2006, the amount of any payment required or authorized under subsection (b) in or for the period of the extension under this section shall be determined in the same manner as the amount of the corresponding payment required or authorized in or for fiscal year 2004.

“(d) ADVISORY COMMITTEES AND OTHER ENTITIES CONTINUED.—Any advisory committee, interagency organization, or other entity that was, during fiscal year 2004, authorized or required to perform any function under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), or in relation to programs under that Act, shall continue to exist and is authorized or required, respectively, to perform such function for the period of the extension under this section.

“(e) ADDITIONAL EXTENSION NOT PERMITTED.—Section 422 of the General Education Provisions Act (20 U.S.C. 1226a) shall not apply to further extend the authorization of appropriations for any program described in subsection (a) on the basis of the extension of such program under this section.

“(f) EXCEPTION.—The programs described in subsection (a) for which the authorization of appropriations, or the duration of which, is extended by this section include provisions applicable to institutions in, and students in or from, the Freely Associated States, except that those provisions shall be applicable with respect to institutions in, and students in or from, the Federated States of Micronesia and the Republic of the Marshall Islands only to the extent specified in Public Law 108-188 [48 U.S.C. 1921 et seq.]”

[Pub. L. 110-300, §1(c), July 31, 2008, 122 Stat. 2998, provided that: “The amendment made by subsection (a) [amending Pub. L. 109-81, set out above] shall take effect as if enacted on July 31, 2008.”]

[Pub. L. 110-230, §1(c), May 13, 2008, 122 Stat. 877, provided that: “The amendment made by subsection (a) [amending Pub. L. 109-81, set out above] shall take effect as if enacted on April 30, 2008.”]

[Pub. L. 110-300, §1(b), July 31, 2008, 122 Stat. 2998, provided that: “Nothing in this section [enacting provisions set out above and amending Pub. L. 109-81, set out above], or in the Higher Education Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) [see Short Title of 2006 Amendment note above], by the College Cost Reduction and Access Act (Public Law 110-84) [see Short Title of 2007 Amendment note above], or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110-227) [see Short Title of 2008 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

[Pub. L. 110-256, §1(b), June 30, 2008, 122 Stat. 2425, provided that: “Nothing in this section [amending Pub. L. 109-81, set out above], or in the Higher Education Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) [see Short Title of 2006 Amendment note above], by the College Cost Reduction and Access Act (Public Law 110-84) [see Short Title of 2007 Amendment note above], or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110-227) [see Short Title of 2008 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

[Pub. L. 110-238, §1(b), May 30, 2008, 122 Stat. 1558, provided that: “Nothing in this section [amending Pub. L. 109-81, set out above], or in the Higher Education Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) [see Short Title of 2006 Amendment note above], by the College Cost Reduction and Access Act (Public Law 110-84) [see Short Title of 2007 Amendment note above], or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110-227) [see Short Title of 2008 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

[Pub. L. 110-230, §1(b), May 13, 2008, 122 Stat. 877, provided that: “Nothing in this section [enacting provi-

sions set out above and amending Pub. L. 109–81, set out above], or in the Higher Education Extension Act of 2005 [Pub. L. 109–81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) [see Short Title of 2006 Amendment note above] or by the College Cost Reduction and Access Act (Public Law 110–84) [see Short Title of 2007 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”

[Pub. L. 110–198, §3, Mar. 24, 2008, 122 Stat. 656, provided that: “Nothing in this Act [see Short Title of 2008 Amendment note above], or in the Higher Education Extension Act of 2005 [Pub. L. 109–81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) [see Short Title of 2006 Amendment note above] or by the College Cost Reduction and Access Act (Public Law 110–84) [see Short Title of 2007 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”

[Pub. L. 110–109, §3, Oct. 31, 2007, 121 Stat. 1028, provided that: “Nothing in this Act [see Short Title of 2007 Amendment note above], or in the Higher Education Extension Act of 2005 [Pub. L. 109–81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) [see Short Title of 2006 Amendment note above] or by the College Cost Reduction and Access Act (Public Law 110–84) [see Short Title of 2007 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”

[Pub. L. 110–51, §3, July 31, 2007, 121 Stat. 263, provided that: “Nothing in this Act [see Short Title of 2007 Amendment note above], or in the Higher Education Extension Act of 2005 [Pub. L. 109–81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) [see Short Title of 2006 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”

[Pub. L. 110–44, §3, July 3, 2007, 121 Stat. 238, provided that: “Nothing in this Act [see Short Title of 2007 Amendment note above], or in the Higher Education Extension Act of 2005 [Pub. L. 109–81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) [see Short Title of 2006 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”

[Pub. L. 109–292, §7, Sept. 30, 2006, 120 Stat. 1343, provided that: “Nothing in this Act [see Short Title of 2006 Amendment note above], or in the Higher Education Extension Act of 2005 [Pub. L. 109–81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (P.L. 109–171) [see Short Title of 2006 Amendment note above] to the provisions of the Higher Edu-

cation Act of 1965 [20 U.S.C. 1001 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”

[Pub. L. 109–238, §3, June 30, 2006, 120 Stat. 507, provided that: “Nothing in this Act [see Short Title of 2006 Amendment note above], or in the Higher Education Extension Act of 2005 [Pub. L. 109–81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) [see Short Title of 2006 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”

[Pub. L. 109–212, §3, Apr. 1, 2006, 120 Stat. 321, provided that: “Nothing in this Act [see Short Title of 2006 Amendment note above], or in the Higher Education Extension Act of 2005 [Pub. L. 109–81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) [see Short Title of 2006 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”

Similar provisions were contained in Pub. L. 108–366, Oct. 25, 2004, 118 Stat. 1741.

STUDY OF OPPORTUNITIES FOR PARTICIPATION IN ATHLETICS PROGRAMS

Pub. L. 105–244, title VIII, §805, Oct. 7, 1998, 112 Stat. 1807, which required the Comptroller General to conduct a study of the opportunities for participation in intercollegiate athletics and to submit a report on the study to committees of Congress, was repealed by Pub. L. 110–315, title IX, §931(1), Aug. 14, 2008, 122 Stat. 3456.

STYLISTIC CONSISTENCY

Pub. L. 103–208, §2(m), Dec. 20, 1993, 107 Stat. 2486, provided that: “The Act [Pub. L. 89–329, see Short Title note above] is amended so that the section designation and section heading of each section of the Act shall be in the form and typeface of the section designation and heading of this section [107 Stat. 2457].”

TERMS DEFINED FOR PURPOSES OF TITLES XIII, XIV, AND XV OF PUB. L. 102–325

Pub. L. 102–325, §1(c), July 23, 1992, 106 Stat. 448, as amended by Pub. L. 105–244, title I, §102(a)(6)(A), Oct. 7, 1998, 112 Stat. 1618, provided that: “Unless otherwise provided therein, terms used in titles XIII, XIV, and XV [enacting sections 1145h and 4426 of this title, sections 3301 to 3371 of Title 25, Indians, and sections 2401 to 2405 of Title 29, Labor, amending sections 1221e–1, 1232g, 3412, 4412, 4414, 4416, 4417, 4418, 4421, 4422, 4423, 4424, 4425, 5381, and 5411 of this title, section 5315 of Title 5, Government Organization and Employees, sections 4604 and 4609 of Title 22, Foreign Relations and Intercourse, former section 640c–1 and sections 1810, 1836, and 1852 of Title 25, and sections 295g–8 and 12576 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under sections 1070, 1070a–11, 1070a–21, 1071, 1080, 1088, 1101, 1132a, 1134, 1221–1, 1221e, 1232g, 1452, and 9003 of this title, amending provisions set out as a note under section 1091a of this title, and repealing provisions set out as a note under section 362 of Title 11, Bankruptcy] shall have the same meaning given to such terms in section 101 of the Higher Education Act of 1965 [this section].”

GENERAL PROVISIONS OF 1972 AMENDMENT

Pub. L. 92–318, §2, June 23, 1972, 86 Stat. 236, provided that:

“(a) As used in this Act [See Short Title of 1972 Amendment note above]—

“(1) the term ‘Secretary’ means the Secretary of Health, Education, and Welfare [now Secretary of Education]; and

“(2) the term ‘Commissioner’ means the Commissioner of Education [now Secretary of Education]; unless the context requires another meaning.

“(b) Unless otherwise specified, the redesignation of a section, subsection, or other designation by any amendment in this Act shall include the redesignation of any reference to such section, subsection, or other designation in any Act or regulation, however styled.

“(c)(1) Unless otherwise specified, each provision of this Act and each amendment made by this Act shall be effective after June 30, 1972, and with respect to appropriations for the fiscal year ending June 30, 1973, and succeeding fiscal years.

“(2) Unless otherwise specified, in any case where an amendment made by this Act is to become effective after a date set herein, it shall be effective with the beginning of the day which immediately follows the date after which such amendment is effective.

“(3) In any case where the effective date for an amendment made by this Act is expressly stated to be effective after June 30, 1971, such amendment shall be deemed to have been enacted on July 1, 1971.”

RULEMAKING REQUIREMENTS; PUBLICATION IN FEDERAL REGISTER

Pub. L. 90-575, title V, § 505, Oct. 16, 1968, 82 Stat. 1063, provided for publication of rules and regulations in Federal Register, prior to repeal by Pub. L. 91-230, title IV, § 401(e)(2), Apr. 13, 1970, 84 Stat. 173.

PRESIDENTIAL RECOMMENDATIONS BY DECEMBER 31, 1969, WITH RESPECT TO POST-SECONDARY EDUCATION FOR ALL

Pub. L. 90-575, title V, § 508, Oct. 16, 1968, 82 Stat. 1063, authorized the President, on or before Dec. 31, 1969, to submit to the Congress proposals relative to the feasibility of making available a post-secondary education to all young Americans who qualify and seek it.

EX. ORD. NO. 13864. IMPROVING FREE INQUIRY, TRANSPARENCY, AND ACCOUNTABILITY AT COLLEGES AND UNIVERSITIES

Ex. Ord. No. 13864, Mar. 21, 2019, 84 F.R. 11401, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Purpose.* The purpose of this order is to enhance the quality of postsecondary education by making it more affordable, more transparent, and more accountable. Institutions of higher education (institutions) should be accountable both for student outcomes and for student life on campus.

In particular, my Administration seeks to promote free and open debate on college and university campuses. Free inquiry is an essential feature of our Nation’s democracy, and it promotes learning, scientific discovery, and economic prosperity. We must encourage institutions to appropriately account for this bedrock principle in their administration of student life and to avoid creating environments that stifle competing perspectives, thereby potentially impeding beneficial research and undermining learning.

The financial burden of higher education on students and their families is also a national problem that needs immediate attention. Over the past 30 years, college tuition and fees have grown at more than twice the rate of the Consumer Price Index. Rising student loan debt, coupled with low repayment rates, threatens the financial health of both individuals and families as well as of Federal student loan programs. In addition, too many programs of study fail to prepare students for success in today’s job market.

The Federal Government can take meaningful steps to address these problems. Selecting an institution and course of study are important decisions for prospective

students and significantly affect long-term earnings. Institutions should be transparent about the average earnings and loan repayment rates of former students who received Federal student aid. Additionally, the Federal Government should make this information readily accessible to the public and to prospective students and their families, in particular.

This order will promote greater access to critical information regarding the prices and outcomes of post-secondary education, thereby furthering the goals of the National Council for the American Worker established by Executive Order 13845 of July 19, 2018 (Establishing the President’s National Council for the American Worker) [29 U.S.C. 3101 note]. Increased information disclosure will help ensure that individuals make educational choices suited to their needs, interests, and circumstances. Access to this information will also increase institutional accountability and encourage institutions to take into account likely future earnings when establishing the cost of their educational programs.

SEC. 2. *Policy.* It is the policy of the Federal Government to:

(a) encourage institutions to foster environments that promote open, intellectually engaging, and diverse debate, including through compliance with the First Amendment for public institutions and compliance with stated institutional policies regarding freedom of speech for private institutions;

(b) help students (including workers seeking additional training) and their families understand, through better data and career counseling, that not all institutions, degrees, or fields of study provide similar returns on their investment, and consider that their educational decisions should account for the opportunity cost of enrolling in a program;

(c) align the incentives of institutions with those of students and taxpayers to ensure that institutions share the financial risk associated with Federal student loan programs;

(d) help borrowers avoid defaulting on their Federal student loans by educating them about risks, repayment obligations, and repayment options; and

(e) supplement efforts by States and institutions by disseminating information to assist students in completing their degrees faster and at lower cost.

SEC. 3. *Improving Free Inquiry on Campus.* (a) To advance the policy described in subsection 2(a) of this order, the heads of covered agencies shall, in coordination with the Director of the Office of Management and Budget, take appropriate steps, in a manner consistent with applicable law, including the First Amendment, to ensure institutions that receive Federal research or education grants promote free inquiry, including through compliance with all applicable Federal laws, regulations, and policies.

(b) “Covered agencies” for purposes of this section are the Departments of Defense, the Interior, Agriculture, Commerce, Labor, Health and Human Services, Transportation, Energy, and Education; the Environmental Protection Agency; the National Science Foundation; and the National Aeronautics and Space Administration.

(c) “Federal research or education grants” for purposes of this section include all funding provided by a covered agency directly to an institution but do not include funding associated with Federal student aid programs that cover tuition, fees, or stipends.

SEC. 4. *Improving Transparency and Accountability on Campus.* (a) To advance the policy described in subsections 2(b)–(e) of this order, the Secretary of Education (Secretary) shall, to the extent consistent with applicable law:

(i) make available, by January 1, 2020, through the Office of Federal Student Aid, a secure and confidential website and mobile application that informs Federal student loan borrowers of how much they owe, how much their monthly payment will be when they enter repayment, available repayment options, how long each repayment option will take, and how to enroll in the repayment option that best serves their needs;

(ii) expand and update annually the College Scorecard, or any successor, with the following program-level data for each certificate, degree, graduate, and professional program, for former students who received Federal student aid:

- (A) estimated median earnings;
- (B) median Stafford loan debt;
- (C) median Graduate PLUS loan debt (if applicable);
- (D) median Parent PLUS loan debt; and
- (E) student loan default rate and repayment rate; and

(iii) expand and update annually the College Scorecard, or any successor, with the following institution-level data, providing the aggregate for all certificate, degree, graduate, and professional programs, for former students who received Federal student aid:

- (A) student loan default rate and repayment rate;
- (B) Graduate PLUS default rate and repayment rate; and
- (C) Parent PLUS default rate and repayment rate.

(b) For the purpose of implementing subsection (a)(ii) of this section, the Secretary of the Treasury shall, upon the request of the Secretary, provide in a timely manner appropriate statistical studies and compilations regarding program-level earnings, consistent with section 6108(b) of title 26, United States Code, other applicable laws, and available data regarding programs attended by former students who received Federal student aid.

SEC. 5. Reporting Requirements. (a) By January 1, 2020, the Secretary, in consultation with the Secretary of the Treasury, the Director of the Office of Management and Budget, and the Chairman of the Council of Economic Advisers, shall submit to the President, through the Assistant to the President for Domestic Policy and the Assistant to the President for Economic Policy, a report identifying and analyzing policy options for sharing the risk associated with Federal student loan debt among the Federal Government, institutions, and other entities.

(b) By January 1, 2020, the Secretary, in consultation with the Secretary of the Treasury, shall submit to the President, through the Assistant to the President for Domestic Policy and the Assistant to the President for Economic Policy, policy recommendations for reforming the collections process for Federal student loans in default.

(c) Beginning July 1, 2019, the Secretary shall provide an annual update on the Secretary's progress in implementing the policies set forth in subsections 2(b)–(e) of this order to the National Council for the American Worker at meetings of the Council.

(d) Within 1 year of the date of this order [Mar. 21, 2019], the Secretary shall compile information about successful State and institutional efforts to promote students' timely and affordable completion of a postsecondary program of study. Based on that information, the Secretary shall publish a compilation of research results that addresses:

- (i) how some States and institutions have better facilitated successful transfer of credits and degree completion by transfer students;
- (ii) how States and institutions can increase access to dual enrollment programs; and
- (iii) other strategies for increasing student success, especially among students at high risk of not completing a postsecondary program of study.

SEC. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforce-

able at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 1002. Definition of institution of higher education for purposes of student assistance programs

(a) Definition of institution of higher education for purposes of student assistance programs

(1) Inclusion of additional institutions

Subject to paragraphs (2) through (4) of this subsection, the term “institution of higher education” for purposes of subchapter IV includes, in addition to the institutions covered by the definition in section 1001 of this title—

(A) a proprietary institution of higher education (as defined in subsection (b) of this section);

(B) a postsecondary vocational institution (as defined in subsection (c) of this section); and

(C) only for the purposes of part D of subchapter IV, an institution outside the United States that is comparable to an institution of higher education as defined in section 1001 of this title and that has been approved by the Secretary for the purpose of part D of subchapter IV, consistent with the requirements of section 1087b(d) of this title.

(2) Institutions outside the United States

(A) In general

For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 1001 of this title (except that a graduate medical school, nursing school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 1001(a)(4) of this title). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made under part D of subchapter IV unless—

(i) except as provided in subparagraph (B)(iii)(IV), in the case of a graduate medical school located outside the United States—

(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 1091(a)(5) of this title in the year preceding the year for which a student is seeking a loan under part D of subchapter IV; and

(bb) at least 75 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing