Title 20—Education

§ 1091. Student eligibility

(a) In general

In order to receive any grant, loan, or work assistance under this subchapter, a student must—

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

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

(3) not owe a refund on grants previously received at any institution under this subchapter, or be in default on any loan from an institution provided for in part E, or a loan made, insured, or guaranteed by the Secretary under this subchapter for attendance at any institution;

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

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

(B) such student’s social security number;

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

(6) if the student has been convicted of, or has pled nolo contendere or guilty to, a crime involving fraud in obtaining funds under this subchapter, have completed the repayment of such funds to the Secretary, or to the holder in the case of a loan under this subchapter obtained by fraud.
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(b) Eligibility for student loans

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

(A)(i) have received a determination of eligibility or ineligibility for a Pell Grant under such subpart 1 for such period of enrollment; and

(ii) if determined to be eligible, have filed an application for a Pell Grant for such enrollment period; or

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

(2) In order to be eligible to receive any loan under section 1078–1 of this title for any period of enrollment, a student shall—

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

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

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

(3) A student who—

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

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

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

(4) A student who—

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

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

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

(5) Notwithstanding any other provision of this subsection, no incarcerated student is eligible to receive a loan under this subchapter.

c) Satisfactory progress

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

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

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

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

(3) Any institution of higher education at which the student is in attendance may waive the provisions of paragraph (1) or paragraph (2) of this subsection for undue hardship based on—

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

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

(C) special circumstances as determined by the institution.

d) Students who are not high school graduates

(1) Student eligibility

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

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

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

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

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

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

(2) Eligible career pathway program

In this subsection, the term “eligible career pathway program” means a program that combines rigorous and high-quality education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

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

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

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

(e) Certification for GSL eligibility

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

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

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

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

(f) Loss of eligibility for violation of loan limits

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

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

(g) Verification of immigration status

(1) In general

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

(2) Special rule

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

(3) Verification mechanisms

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

(4) Review

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

(A) the institution—

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

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

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

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

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

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

(h) Limitations of enforcement actions against institutions

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

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

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

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

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

Notwithstanding subsection (h), if—

(1) a guaranty is made under this subchapter for a loan made with respect to an individual,

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

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

(4) there is a subsequent determination that, because of an unsatisfactory immigration status, the individual is not eligible for the loan, the official of the institution making the determination shall notify and instruct the entity making the loan to cease further payments under the loan, but such guaranty shall not be voided or otherwise nullified with respect to such payments made before the date the entity receives the notice.


(k) Special rule for correspondence courses

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

(l) Courses offered through distance education

(1) Relation to correspondence courses

(A) In general

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

(B) Exception

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

(2) Reductions of financial aid

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

(3) Special rule

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

(m) Students with a first baccalaureate or professional degree

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

(n) Data base matching

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

(o) Study abroad

Nothing in this chapter shall be construed to limit or otherwise prohibit access to study abroad programs approved by the home institution at which a student is enrolled. An otherwise eligible student who is engaged in a program of study abroad approved for academic credit by the home institution at which the student is enrolled shall be eligible to receive grant, loan, or work assistance under this subchapter, without regard to whether such study abroad program is required as part of the student’s degree program.

(p) Verification of social security number

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

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

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

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

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

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

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


(r) Suspension of eligibility for drug-related offenses

(1) In general

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

If convicted of an offense involving:

The possession of a controlled substance:  Ineligibility period is:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Period of Ineligibility</th>
</tr>
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<tbody>
<tr>
<td>First offense</td>
<td>1 year</td>
</tr>
<tr>
<td>Second offense</td>
<td>2 years</td>
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<tr>
<td>Third offense</td>
<td>Indefinite</td>
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The sale of a controlled substance:  Ineligibility period is:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Period of Ineligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>First offense</td>
<td>2 years</td>
</tr>
<tr>
<td>Second offense</td>
<td>Indefinite</td>
</tr>
</tbody>
</table>

(2) Rehabilitation

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

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

(i) complies with such criteria as the Secretary shall prescribe in regulations for purposes of this paragraph; and

(ii) includes two unannounced drug tests;

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

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

(3) Definitions

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

(s) Students with intellectual disabilities

(1) Definitions

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

(2) Requirements

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

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

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

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

(3) Authority

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

(4) Regulations

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

(6) Data analysis on access to Federal student aid for certain populations

(1) Development of the system

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

(2) Results from analysis

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

(3) Data updating

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

(4) Report to Congress

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


Amendment of Section

Pub. L. 116–260, div. FF, title VII, §§ 701(b), 702(n)(1)(A), (2), Dec. 27, 2020, 134 Stat. 3137, 3182, provided that, effective July 1, 2023, and applicable with respect to award year 2023–2024 and each subsequent award year, as determined under this chapter, with additional provisions authorizing the Secretary of Education to implement amendment before (but not later than) July 1, 2023, this section is amended as follows:

(1) by striking subsections (n) and (r); and

(2) by redesignating subsections (o), (p), (s), and (t), as subsections (n), (o), (q), and (r), respectively; and

(3) by adding the following new subsections:

``(p) Use of income data with IRS

``The Secretary, in cooperation with the Secretary of the Treasury, shall fulfill the data transfer requirements under section 6103(o)(13) of title 26 and the procedure and requirements outlined in section 1098h of this title.’’

``(q) Exception to required registration with the Selective Service System

``Notwithstanding section 381(f) of title 50, an individual shall not be ineligible for assistance or a benefit provided under this subchapter if the individual is required under section 3802 of title 50 to present himself for and submit to registration under such section and fails to do so in accordance with any proclamation issued under such section, or in accordance with any rule or regulation issued under such section.

``(t) Confined or incarcerated individuals

``(1) Definitions

``(A) Confined or incarcerated individual

``The term ‘confined or incarcerated individual’—"
‘(i) means an individual who is serving a criminal sentence in a Federal, State, or local penal institution, prison, jail, reformatory, work farm, or other similar correctional institution; and

‘(ii) does not include an individual who is in a halfway house or home detention or is sentenced to serve only weekends.

‘(B) Prison education program

‘The term ‘prison education program’ means an education or training program that—

‘(i) is an eligible program under this subchapter offered by an institution of higher education (as defined in section 1001 or 1002(a)(1)(B) of this title);

‘(ii) is offered by an institution that has been approved to operate in a correctional facility by the appropriate State department of corrections or other entity that is responsible for overseeing correctional facilities, or by the Bureau of Prisons;

‘(iii) has been determined by the appropriate State department of corrections or other entity that is responsible for overseeing correctional facilities, or by the Bureau of Prisons, to be operating in the best interest of students, the determination of which shall be made by the State department of corrections or other entity or by the Bureau of Prisons, respectively, and may be based on

‘(I) rates of confined or incarcerated individuals continuing their education post-release;

‘(II) job placement rates for such individuals;

‘(III) earnings for such individuals;

‘(IV) rates of recidivism for such individuals;

‘(V) the experience, credentials, and rates of turnover or departure of instructors;

‘(VI) the transferability of credits for courses available to confined or incarcerated individuals and the applicability of such credits toward related degree or certificate programs; or

‘(VII) offering relevant academic and career advising services to participating confined or incarcerated individuals while they are confined or incarcerated, in advance of reentry, and upon release;

‘(iv) offers transferability of credits to at least 1 institution of higher education (as defined in section 1001 or 1002(a)(1)(B) of this title) in the State in which the correctional facility is located, or, in the case of a Federal correctional facility, in the State in which most of the individuals confined or incarcerated in such facility will reside upon release;

‘(v) is offered by an institution that has not been subject, during the 5 years preceding the date of the determination, to—

‘(I) any suspension, emergency action, or termination of programs under this subchapter;

‘(II) any adverse action by the institution’s accrediting agency or association; or

‘(III) any action by the State to revoke a license or other authority to operate;

‘(vi) satisfies any applicable educational requirements for professional licensure or certification, including licensure or certification examinations needed to practice or find employment in the sectors or occupations for which the program prepares the individual, in the State in which the correctional facility is located or, in the case of a Federal correctional facility, in the State in which most of the individuals confined or incarcerated in such facility will reside upon release; and

‘(vii) does not offer education that is designed to lead to licensure or employment for a specific job or occupation in the State if such job or occupation typically involves prohibitions on the licensure or employment of formerly incarcerated individuals in the State in which the correctional facility is located, or, in the case of a Federal correctional facility, in the State in which most of the individuals confined or incarcerated in such facility will reside upon release.

‘(2) Technical assistance

‘The Secretary, in collaboration with the Attorney General, shall provide technical assistance and guidance to the Bureau of Prisons, State departments of corrections, and other entities that are responsible for overseeing correctional facilities in making determinations under paragraph (1)(B)(iii).

‘(3) Federal Pell Grant eligibility

‘Notwithstanding subsection (a), in order for a confined or incarcerated individual who otherwise meets the eligibility requirements of this subchapter to be eligible to receive a Federal Pell Grant under section 1070a of this title, the individual shall be enrolled or accepted for enrollment in a prison education program.

‘(4) Evaluation

‘(A) In general

‘Not later than 1 year after December 27, 2020, in order to evaluate and improve the impact of activities supported under this subchapter, the Secretary, in partnership with the Director of the Institute of Education Sciences, shall award 1 or more grants or contracts to, or enter into cooperative agreements with, experienced public and private institutions and organizations to conduct an external evaluation that shall—

‘(i) assess the ability of confined or incarcerated individuals to access and complete the Free Application for Federal Student Aid;

‘(ii) examine in-custody outcomes and post-release outcomes related to providing Federal Pell Grants to confined or incarcerated individuals, including—

‘(I) attainment of a postsecondary degree or credential;

‘(II) safety in penal institutions with prison education programs;

‘(III) the size of waiting lists for prison education programs;

‘(IV) the extent to which such individuals continue their education post-release;

‘(V) employment and earnings outcomes for such individuals; and

‘(VI) rates of recidivism for such individuals;

‘(iii) track individuals who received Federal Pell Grants under subpart I of part A at
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1, 3, and 5 years after the individuals' release from confinement or incarceration; and

"(iv) examine the extent to which institutions provide re-entry or relevant career services to participating confined or incarcerated individuals as part of the prison education program and the efficacy of such services, if offered.

"(B) Report

"Beginning not later than 1 year after the Secretary awards the grant, contract, or cooperative agreement described in subparagraph (A) and annually thereafter, each institution of higher education operating a prison education program under this subsection shall submit a report to the Secretary on activities assisted and students served under this subsection, which shall include the information, as applicable, contained in clauses (i) through (iv) of subparagraph (A).

"(5) Report

"Not later than 1 year after December 27, 2020, and on at least an annual basis thereafter, the Secretary shall submit to the authorizing committees, and make publicly available on the website of the Department, a report on the—

"(A) impact of this subsection which shall include, at a minimum—

"(i) the names and types of institutions of higher education offering prison education programs at which confined or incarcerated individuals are enrolled and receiving Federal Pell Grants;

"(ii) the number of confined or incarcerated individuals receiving Federal Pell Grants through each prison education program;

"(iii) the amount of Federal Pell Grant expenditures for each prison education program;

"(iv) the average amount of Federal Pell Grant expenditures per full-time equivalent students in a prison education program compared to the average amount of Federal Pell Grant expenditures per full-time equivalent students not in prison education programs;

"(v) the demographics of confined or incarcerated individuals receiving Federal Pell Grants;

"(vi) the cost of attendance for such individuals;

"(vii) the mode of instruction (such as distance education, in-person instruction, or a combination of such modes) for each prison education program;

"(viii) information on the academic outcomes of such individuals (such as credits attempted and earned, and credential and degree completion) and any information available from student satisfaction surveys conducted by the applicable institution or correctional facility;

"(ix) information on post-release outcomes of such individuals, including, to the extent practicable, continued postsecondary enrollment, earnings, credit transfer, and job placement;

"(x) rates of recidivism for confined or incarcerated individuals receiving Federal Pell Grants;

"(xi) information on transfers of confined or incarcerated individuals between prison education programs;

"(xii) the most common programs and courses offered in prison education programs;

"(xiii) rates of instructor turnover or departure for courses offered in prison education programs;

"(B) results of each prison education program at each institution of higher education, including the information described in clauses (ii) through (xiii) of subparagraph (A); and

"(C) findings regarding best practices with respect to prison education programs.

See 2020 Amendment note below.

REFERENCES IN TEXT


Act of August 16, 1937, commonly known as the National Apprenticeship Act, referred to in subsec. (d)(2)(B), is act Aug. 16, 1937, ch. 663, 50 Stat. 664, which is classified generally to chapter 4C (§50 et seq.) of Title 29, Labor.

For complete classification of this Act to the Code, see Short Title note set out under section 2992 of this title.

References in Text

PRIORITY PROVISIONS


AMENDMENTS

2020—Subsecs. (n) to (t). Pub. L. 116–290 added subsecs. (p), (q), and (t), redesignated former subsecs. (o), (p), (s), and (t) as (n), (o), (q), and (r), respectively, and struck out former subsecs. (n) and (r) which related to data base matching and suspension of eligibility for drug-related offenses, respectively.

2019—Subsec. (q). Pub. L. 116–91 struck out subsec. (q) which authorized the Secretary of the Treasury to obtain certain information from the Internal Revenue Service regarding applicants' tax returns and to require consent from such applicants as a condition of receiving assistance. See section 1098A of this title.

2015—Subsec. (d)(2). Pub. L. 114–133 amended par. (2) generally. Prior to amendment, par. (2) contained a different definition of "eligible career pathway program".

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

(a)(1). Pub. L. 110–274 struck out “meet one of the following standards:” after “the student shall,” substituted “have completed” for “has completed,” and struck out pars. (1), (2), and (4), which required students to take an independently administered examination, required a State process, or required an institution of higher education, respectively, to determine ability of students to benefit from education or training.

Subsec. (a)(4). Pub. L. 110–274, § 9202(c)(2), amended heading and text of subpar. (B) generally. Prior to amendment, text read as follows: “An institution of higher education referred to in subparagraph (A) is an institution of higher education—

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

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

Subsec. (b)(1). Pub. L. 110–274, which directed substitution of reference to section 2302(C) of this title for reference to section 2571(4)(C) of this title in cl. (1), could not be executed due to general amendment of subpar. (B) by Pub. L. 110–171. See above.

Subsec. (q)(1). Pub. L. 110–171, § 9202(1)(b), amended heading and text of subpar. (1) generally. Prior to amendment, text read as follows: “The Secretary of Education, in cooperation with the Secretary of the Treasury, is authorized to confirm with the Internal Revenue Service the adjusted gross income, Federal income tax filing status, and exemptions reported by applicants (including parents) under this subchapter on their Federal income tax returns for the purpose of verifying the information reported by applicants on student financial aid applications.”

Subsec. (r)(1). Pub. L. 110–171, § 9202(1)(c), amended heading and text of introductory provisions generally. Prior to amendment, text read as follows: “A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this subchapter during the period beginning on the date of such conviction and ending after the interval specified in the following table:”.

Subsec. (a)(5). Pub. L. 110–274, § 9202(1)(c), substituted “the Secretary, as part of the original financial aid application process, a certification,” for “the institution of higher education which the student intends to attend, or is attending (or in the case of a loan or loan guarantee with the lender), a document” in introductory provisions.

Subsec. (a)(5). Pub. L. 110–274, § 9202(1)(c), substituted “a citizen of any one of the Freely Associated States” for “or a permanent resident of the Trust Territory of the Pacific Islands, Guam, or the Northern Mariana Islands part A.”

Subsec. (a)(4). Pub. L. 105–244, § 983(a)(1), substituted “the Secretary, as part of the original financial aid application process, a certification,” for “the institution of higher education which the student intends to attend, or is attending (or in the case of a loan or loan guarantee with the lender), a document” in introductory provisions.
cation (other than an institution that meets the definition in section 2371(d)(C) of this title) that is offered in whole or in part through telecommunications and leads to a recognized associate, bachelor, or graduate degree conferred by such institution shall not be considered to be enrolled in correspondence courses unless the total amount of telecommunications and correspondence courses at such institution equals or exceeds 50 percent of such courses.

Subsec. (q). Pub. L. 103–244, § 483(e), added subsec. (q).


1994—Subsec. (a)(1). Pub. L. 102–325, § 484(a)(1), inserted “(including a program of study abroad approved for credit by the eligible institution at which such student is enrolled)” after “or other program”.

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


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

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

Subsec. (g). Pub. L. 103–208, § 483(e), added subsec. (g) as (g). Former subsec. (g) redesignated (f).


Subsecs. (j) to (m). Pub. L. 103–208, § 482(b)(25), redesignated subsecs. (k) to (n) as (j) to (m), respectively.

Former subsec. (j) redesignated (i).


Subsecs. (o) to (p). Pub. L. 103–208, § 482(b)(25), redesignated subsecs. (p) and (q) as (o) and (p), respectively.

Former subsec. (o) redesignated (n).

Subsec. (q). Pub. L. 103–208, § 482(b)(25), redesignated subsec. (g) as (p).

Pub. L. 103–208, § 482(b)(24), substituted “documented evidence of a social security number that is determined by the institution to be correct” for “a correct social security number” in par. (2).

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

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


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

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

Subsec. (g). Pub. L. 102–325, § 484(e), designated existing provisions as par. (1), inserted “, part D” after “part C” in concluding provisions.


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


Subsecs. (i) to (q). Pub. L. 102–325, § 484(p), added subsecs. (l) to (q).

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


Pub. L. 102–26, § 2(b), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “A student who is admitted on the basis of the ability to benefit from the education or training in order to remain eligible for any grant, loan, or work assistance under this subchapter shall—
“(1) receive the general education diploma prior to the student’s certification or graduation from the program of study, or by the end of the first year of the course of study, whichever is earlier; 

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

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

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

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


1990—Subsec. (d). Pub. L. 101–508, which amended subsec. (d) generally to read: “In order for a student who is enrolled on the basis of ability to benefit from the education or training offered to be eligible for any grant, loan, or work assistance under this subchapter, a student, prior to enrollment, pass an independently administered examination approved by the Secretary.,” was repealed by Pub. L. 102–26, § 2(d)(2)(A).


1988—Subsec. (a)(1). Pub. L. 100–369, § 6(1), substituted ‘‘sections (b)(3) and (b)(4)’’ for ‘‘subsection (b)(2)’’.

Subsec. (b)(1). Pub. L. 100–369, § 1(1), substituted ‘‘section 1078–2 or 1078–3’’ for ‘‘section 1078–1, 1078–2, or 1078–3’’.

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

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


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


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

Subsec. (d). Pub. L. 100–50, § 15(b), added pars. (2) and (3) and last sentence relating to ineligibility for assistance if a student is enrolled in either an elementary or a secondary school, and struck out former par. (2) which read as follows: ‘‘(A) be counseled prior to admissions or be administered a nationally recognized standardized or industry developed test, subject to criteria developed by the appropriate accrediting association, measuring the applicant’s aptitude to complete successfully the program to which he has applied; and 

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

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


Effective Date of 2020 Amendment

Amendment by Pub. L. 116–260 effective July 1, 2023, except as otherwise expressly provided, and applicable with respect to award year 2023–2024 and each subsequent award year, as determined under this chapter, see section 701(b) of Pub. L. 116–260, set out as a note under section 1001 of this title.

Amendment by Pub. L. 116–260 may be implemented by Secretary of Education before (but not later than) July 1, 2023, notwithstanding certain provisions, with such date of implementation required to be published in the Federal Register, see section 702(n)(2) of Pub. L. 116–260, set out as a note under section 1078–2 of this title.

Effective Date of 2014 Amendment

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

Effective Date of 2011 Amendment

Amendment by Pub. L. 112–74, div. F, title III, § 309(c)(2), Dec. 23, 2011, 125 Stat. 1190, provided that: ‘‘The amendment made by paragraph (1) [amending this section] shall apply to students who first enroll in a program of study on or after July 1, 2012.’’

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

Effective Date of 2009 Amendment


Effective Date of 2008 Amendment

Pub. L. 110–315, title IV, § 485(b), Aug. 14, 2008, 122 Stat. 3290, provided that: ‘‘The amendments made by subsection (a) [amending this section] shall take effect on July 1, 2010, except that the amendments made by paragraphs (3), (4), and (5) of such subsection shall take effect on the date of enactment of this Act [August 14, 2008].’’

Effective Date of 2006 Amendment

Amendment by Pub. L. 109–171—effective July 1, 2006, except as otherwise provided, see section 8001(c) of Pub. L. 109–171, set out as a note under section 1002 of this title.

Effective Date of 1996 Amendment


Pub. L. 105–244, title IV, § 483(f)(2), Oct. 7, 1998, 112 Stat. 1737, provided that: ‘‘The amendment made by paragraph (1) [amending this section] shall be effective as if such amendment was enacted on June 24, 1998, except as otherwise expressly provided, and applicable with respect to award year 2023–2024 and each subsequent award year, as determined under this chapter, see section 701(b) of Pub. L. 116–260, set out as a note under section 1001 of this title.’’

Effective Date of 1993 Amendment

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

**Effective Date of 1992 Amendment**

Amendment by section 484(a), (b)(1)(B), and (c) to (h) of Pub. L. 102–325 effective July 23, 1992, except that subsec. (m)(1) of this section, relating to proportion of courses permitted to be correspondence courses, as added by such amendment, effective on and after Dec. 1, 1997, see section 484(1) of Pub. L. 102–325, set out below.


**Effective Date of 1991 Amendment**

Amendment by Pub. L. 101–262 applicable to any grant, loan, or work assistance to cover the cost of instruction for periods of enrollment beginning on or after July 1, 1991, see section 2(d)(1) of Pub. L. 102–26, set out as a note under section 1085 of this title.

**Effective Date of 1988 Amendments**


Pub. L. 100–309, §13, July 18, 1988, 102 Stat. 838, provided that:

“(a) General Rule.—Except as otherwise provided, the amendments made by this Act to title IV of the Higher Education Act of 1965 [amending this section and section 1078–1 of this title] shall be effective for any loan which for loan purposes made or in connection with the education of the borrower beginning on or after July 1, 1987.”

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

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

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

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

**Construction of 1991 Amendment**

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

**Abolition of Immigration and Naturalization Service and Transfer of Functions**

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

**Satisfactory Progress**


**Denial of Student Assistance to Certain Nontitizens**


**Financial Aid to Students Not Deemed Income or Resources for Purposes of Certain Social Security Act Programs**

Pub. L. 90–575, title V, §507, Oct. 16, 1968, 82 Stat. 1063, as amended by Pub. L. 96–88, title III, §301(a)(1), Oct. 17, 1979, 93 Stat. 677, provided that: “For the purpose of any program assisted under title I, IV, X, XIV, XVI, or XIX of the Social Security Act [subchapters I, IV, X, XIV, XVI, or XIX of chapter 5 of Title 42, The Public Health and Welfare], no grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Secretary of Education shall be considered to be income or resources.”

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

(a) In general

(1) It is the purpose of this subsection to ensure that obligations to repay loans and grant