CONSTRUCTION OF 2006 AMENDMENT

Nothing in amendment by section 8007(d) of Pub. L. 109-171 to be construed to authorize any refunding of any repayment of a loan, see section 8007(e) of Pub. L. 109-171, set out as a note under section 1078 of this title.

CONSTRUCTION OF 1991 AMENDMENT

Pub. L. 102-26, § 2(d)(2)(A), Apr. 9, 1991, 105 Stat. 124, provided that: “Section 3005 of the Omnibus Reconciliation Act of 1990 [Pub. L. 101-508, amending this section and section 1091 of this title and enacting provisions set out as a note above] is repealed. Sections 484(d) and 484(b) of the Act [20 U.S.C. 1091(d), 1088(b)] shall be applied as if section 3005 had not been enacted.”

NEED-BASED AID

Pub. L. 102-323, title XV, § 1544, July 23, 1992, 106 Stat. 837, authorized institutions of higher education to voluntarily agree with other such institutions to award financial aid not awarded under this chapter to students unwillingly agree with other such institutions to award financial aid not awarded under this chapter to students voluntarily agree with other such institutions to award.

§ 1088a. Clock and credit hour treatment of diploma nursing schools

Notwithstanding any other provision of this chapter, any regulations promulgated by the Secretary concerning the relationship between clock hours and semester, trimester, or quarter hours in calculating student grant, loan, or work assistance under this subchapter, shall not apply to a public or private nonprofit hospital-based school of nursing that awards a diploma at the completion of the school’s program of education.


Editorial Notes

PRIOR PROVISIONS

Prior sections 1088a to 1088g were omitted in the general amendment of this part by Pub. L. 96–374.


Statutory Notes and Related Subsidaries

EFFECTIVE DATE

Pub. L. 103–382, title III, § 360(b), Oct. 20, 1994, 108 Stat. 3696, provided that: “Subsection (a) [enacting this section] and the amendment made by subsection (a) shall take effect on July 1, 1994.”

§ 1089. Master calendar

(a) Secretary required to comply with schedule

To assure adequate notification and timely delivery of student aid funds under this subchapter, the Secretary shall adhere to the following calendar dates in the year preceding the award year:

(1) Development and distribution of Federal and multiple data entry forms—

(A) by February 1: first meeting of the technical committee on forms design of the Department;

(B) by March 1: proposed modifications, updates, and notices pursuant to sections 1067rr and 1090(a)(5) of this title published in the Federal Register;

(C) by June 1: final modifications, updates, and notices pursuant to sections 1067rr and 1090(a)(5) of this title published in the Federal Register;

(D) by August 15: application for Federal student assistance and multiple data entry data elements and instructions approved;

(E) by August 30: final approved forms delivered to servicers and printers;

(F) by October 1: Federal and multiple data entry forms and instructions printed; and

(G) by November 1: Federal and multiple data entry forms, instructions, and training materials distributed.
§ 1089

paragraph in the Federal Register. shall publish any designation under this sub-
sion prior to that effective date. The Secretary
conditions, an entity may implement the provi-
specify in the designation when, and under what
to the provision may, in the entity’s discretion,
after November 1 as one that an entity subject
this subchapter and is published in final form
(1) the date each report or disclosure is re-
(2) the required recipients of each report or
disclosure;
(3) any required method for transmittal or
disclosure sufficient to allow the institu-
tion to identify the appropriate individuals
to be assigned the responsibility for such re-
disclosure;
(5) references to the statutory authority, ap-
applicable regulations, and current guidance
issued by the Secretary regarding each report or
disclosure;
(Pub. L. 89–329, title IV, § 469, as added Pub. L.
1477; amended Pub. L. 100–50, § 15(2), June 3, 1987,
101 Stat. 355; Pub. L. 102–325, title IV, § 482, July
Pub. L. 110–315, title I, § 103(b)(9), title IV,
§ 482(a), Aug. 14, 2008, 122 Stat. 3089, 3271; Pub. L.
1950.)

Editorial Notes

Prior Provisions

§ 14031, Apr. 7, 1986, 100 Stat. 354, related to analysis of
student’s need for financial assistance, prior to the gen-
eral revision of this part by Pub. L. 99–498.

Another prior section 1089, Pub. L. 89–329, title IV,
§ 469, formerly § 469, as added Pub. L. 90–575, title I, § 151,
Pub. L. 92–518, title I, § 137(b), June 23, 1972, 86 Stat. 272,
related to the Advisory Council on Financial Aid to
Students, prior to the general revision of this part by Pub.
L. 96–374.
under section 1001 of this title.

subsection (a)(1) [amending this section] shall take effect
on the date of enactment of Pub. L. 110–315 (Aug. 14,
2008), except as otherwise provided in Pub. L. 110–235, 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 1998 Amendment


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 1987 Amendment


Inapplicability of Master Calendar and Negotiated Rulemaking Requirements

Pub. L. 112–141, div. F, title III, § 10303(b)(1), July 6, 2012, 126 Stat. 980, provided that: “Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the amendment made by subsection (a) [amending section 1007a of this title], or to any regulations promulgated under such amendment.”

Pub. L. 112–74, div. F, title III, § 10309(b), Dec. 23, 2011, 126 Stat. 1183, provided that: “Sections 482(c) and 492 of the HEA (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by this section [amending sections 1001, 1070a, 1078, 1087–1, 1087s, and 1091 of this title and enacting provisions set out as notes under sections 1001, 1078, and 1091 of this title], or to any regulations promulgated under those amendments.”

Pub. L. 112–25, title V, § 504, Apr. 15, 2011, 125 Stat. 267, provided that: “Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by this title [amending sections 1070a and 1087e of this title], or to any regulations promulgated under those amendments.”

Pub. L. 112–10, div. B, title VIII, § 1860(c), Apr. 15, 2011, 125 Stat. 170, provided that: “Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by this section [amending sections 1001, 1070a, 1078, 1087–1, 1087s, and 1091 of this title and enacting provisions set out as notes under sections 1001, 1078, and 1091 of this title], or to any regulations promulgated under those amendments.”

Pub. L. 111–39, title IV, § 409, July 1, 2009, 123 Stat. 1935, provided that: “Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by this title [see Tables for classification], or to any regulations promulgated under those amendments.”

Pub. L. 110–315, title IV, § 402(b), Aug. 14, 2008, 122 Stat. 3272, provided that: “Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by this section [amending section 1070a–1 of this title], or to any regulations promulgated under those amendments.”

Pub. L. 110–315, title IV, § 402(b), Aug. 14, 2008, 122 Stat. 3191, provided that: “Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by subsection (a) [amending section 1070a–1 of this title], or to any regulations promulgated under such amendments.”


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TITLE 20—EDUCATION

§ 1089

AMENDMENTS

1070b–3(d), 1087–52(d), or 1087bb(i) of this title” for “section
1070b–3(e), 1087–52(e), or 1087bb(j) of this title”.

2008—Subsec. (a)(1)(B), (C). Pub. L. 110–315, § 482(a)(1), added subpars. (B) and (C) and struck out former sub-
parts. (B) and (C) which read as follows:

“(B) by March 1: proposed modifications and updates
pursuant to section 1067rr of this title published in the
Federal Register;

“(C) by June 1: final modifications and updates pursu-
ant to section 1067rr of this title published in the Fed-
eral Register.”

Subsec. (d). Pub. L. 110–315, § 1067(b)(9), substituted
“authorizing committees” for “Committee on Labor
and Human Resources of the Senate and the Committee
on Education and Labor of the House of Representa-
tives”.

Subsec. (e). Pub. L. 110–315, § 482(a)(2), added subsec-
(e).


Subsec. (c). Pub. L. 105–244, § 481(b), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “Any regulatory changes initiated by the Secretary affecting the programs pursuant to this subchapter that have not been published in final form by December 1 prior to the start of the award year shall not become effective until the beginning of the second award year after such December 1 date. For award year 1994–95, this subsection shall not require a delay in the effectiveness of regulatory changes affect-
ing parts B, G, and H of this subchapter that are pub-
lished in final form by May 1, 1994.”

1995—Subsec. (d). Pub. L. 104–66, in first sentence substi-
tuted “a deadline included in the calendar described in subsection (a) is not met” for “the items specified in
the calendar have been completed and provide all rel-
vent forms, rules, and instructions with such notice”
and after first sentence struck out “When a deadline
included in the calendar is not met, the Secretary,
within 7 days, shall submit to the Committee on Labor
and Human Resources of the Senate and the Committee
on Education and Labor of the House of Representa-
tives a written report, including proper documentation,
as to why the deadline was not adhered to and a
detailed plan for ensuring that subsequent dates are met.”

1993—Subsec. (c). Pub. L. 103–208 inserted at end “For
award year 1994–95, this subsection shall not require a delay in the effectiveness of regulatory changes affect-
ing parts B, G, and H of this subchapter that are pub-
lished in final form by May 1, 1994.”

1992—Subsec. (a)(1)(B), (C). Pub. L. 102–325, § 482(b)(1), substituted “section 1087rr” for “sections 1070a–5 and
1067rr”.

Subsec. (b). Pub. L. 102–325, § 482(b)(2), substituted “subpart 3” for “subpart 2”.

Subsec. (c). Pub. L. 102–325, § 482(a), amended subsec-
(c) generally. Prior to amendment, subsec. (c) read as follows: “Any additional regulatory changes initiated by the Secretary affecting the general administration of the programs pursuant to this subchapter that have not been published in final form by December 1 prior to the start of the award year shall not become effective until the beginning of the second award year after the
December 1 date.”

1987—Subsec. (b). Pub. L. 100–50 inserted reference to
section 1087bb(j) of this title and part E of this sub-
chapter.

Statutory Notes and Related Subsidaries

Effective Date of 2008 Amendment


§1090. Forms and regulations

(a) Common financial aid form development and processing

(1) In general

The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance under parts A through E (other than under subpart 4 of part A). The forms shall be made available to applicants in both paper and electronic formats and shall be referred to as the "Free Application for Federal Student Aid" or the "FAFSA". The Secretary shall work to make the FAFSA consumer-friendly and to make questions on the FAFSA easy for students and families to read and understand, and shall ensure that the FAFSA is available in formats accessible to individuals with disabilities.

(2) Paper format

(A) In general

The Secretary shall develop, make available, and process—

(i) a paper version of EZ FAFSA, as described in subparagraph (B); and

(ii) a paper version of the other forms described in this subsection, in accordance with subparagraph (C), for any applicant who does not meet the requirements of or does not wish to use the process described in subparagraph (B).

(B) EZ FAFSA

(i) In general

The Secretary shall develop and use, after appropriate field testing, a simplified paper form, to be known as the EZ FAFSA, to be used for applicants meeting the requirements of subsection (b) or (c) of section 1087a of this title.

(ii) Reduced data requirements

The EZ FAFSA shall permit an applicant to submit, for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsection (b) or (c) of section 1087a of this title.

(iii) State data

The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (5), except that the Secretary shall not include a State’s data if that State does not permit the State’s resident applicants to use the EZ FAFSA for State assistance.

(iv) Free availability and processing

The provisions of paragraph (6) shall apply to the EZ FAFSA, and the data collected by means of the EZ FAFSA shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (10).

(C) Promoting the use of electronic FAFSA

(i) In general

The Secretary shall make all efforts to encourage all applicants to utilize the electronic version of the forms described in paragraph (3).

(ii) Maintenance of the FAFSA in a printable electronic file

The Secretary shall maintain a version of the paper forms described in subparagraphs (A) and (B) in a printable electronic file that is easily portable, accessible, and downloadable to students on the same website used to provide students with the electronic version of the forms described in paragraph (3).

(iii) Requests for printed copy

The Secretary shall provide a printed copy of the full paper version of FAFSA upon request.

(iv) Reporting requirement

The Secretary shall maintain data, and periodically report to Congress, on the impact of the digital divide on students completing applications for aid under this subchapter. The Secretary shall report on the steps taken to eliminate the digital divide and reduce production of the paper form described in subparagraph (A) of this section. The Secretary’s report shall specifically address the impact of the digital divide on the following student populations:

(I) Independent students.