

Stat. 2141, related to a five-year nondischargeability of certain loan debts, prior to repeal by Pub. L. 95-598, title III, §317, Nov. 6, 1978, 92 Stat. 2678, eff. Nov. 6, 1978.

A prior section 1087-3a, Pub. L. 89-329, title IV, §439B, as added Pub. L. 95-566, §8, Nov. 1, 1978, 92 Stat. 2404, authorized any loan under this part to be counted as part of the expected family contribution in the determination of need, prior to repeal by Pub. L. 97-35, title V, §532(b)(2), Aug. 13, 1981, 95 Stat. 452, applicable to loans for the statement required by section 1078(a)(2)(A) of this title is completed on or after Oct. 1, 1981.

§ 1087-4. Discrimination in secondary markets prohibited

The Student Loan Marketing Association (and, if the Association is privatized under section 1087-3 of this title, any successor entity functioning as a secondary market for loans under this part, including the Holding Company described in such section) shall not engage directly or indirectly in any pattern or practice that results in a denial of a borrower's access to loans under this part because of the borrower's race, sex, color, religion, national origin, age, disability status, income, attendance at a particular eligible institution, length of the borrower's educational program, or the borrower's academic year at an eligible institution.

(Pub. L. 89-329, title IV, §440A, as added Pub. L. 104-208, div. A, title I, §101(e) [title VI, §604], Sept. 30, 1996, 110 Stat. 3009-233, 3009-293.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1087-4, Pub. L. 89-329, title IV, §440, as added Pub. L. 94-482, title I, §127(a), Oct. 12, 1976, 90 Stat. 2141, provided for criminal penalties, prior to repeal by Pub. L. 96-374, title IV, §451(b), Oct. 3, 1980, 94 Stat. 1458, eff. Oct. 1, 1980. See section 1097 of this title.

PART C—FEDERAL WORK-STUDY PROGRAMS

Editorial Notes

CODIFICATION

Part C of title IV of the Higher Education Act of 1965, Pub. L. 89-329, which comprises this part, was originally enacted as part C of title I of the Economic Opportunity Act of 1964, Pub. L. 88-452, Aug. 20, 1964, 78 Stat. 513, and amended by Pub. L. 89-253, Oct. 9, 1965, 79 Stat. 973; Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219; Pub. L. 90-82, Sept. 6, 1967, 81 Stat. 194; and Pub. L. 90-222, Dec. 23, 1967, 81 Stat. 672. It was redesignated as part C of title IV of Pub. L. 89-329 and amended by Pub. L. 90-575, Oct. 16, 1968, 82 Stat. 1014, and further amended by Pub. L. 91-95, Oct. 22, 1969, 83 Stat. 141; Pub. L. 92-318, June 23, 1972, 86 Stat. 235; Pub. L. 94-43, June 28, 1975, 89 Stat. 233; Pub. L. 94-482, Oct. 12, 1976, 90 Stat. 2081; and Pub. L. 96-374, Oct. 3, 1980, 94 Stat. 1367. Such part is shown herein, however, as having been added by Pub. L. 99-498, title IV, §403(a), Oct. 17, 1986, 100 Stat. 1429, without reference to such intervening amendments because of the extensive revision of part C by Pub. L. 99-498. For complete credit information on amendatory acts prior to Pub. L. 99-498, see Prior Provisions notes under individual sections within this part.

Part was formerly classified to part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare, prior to transfer to this part.

Pub. L. 102-325, title IV, §441(a)(1), July 23, 1992, 106 Stat. 563, substituted "FEDERAL WORK-STUDY PROGRAMS" for "WORK-STUDY PROGRAMS" in part heading.

PRIOR PROVISIONS

A prior part C of this subchapter, consisting of part D of title IV of Pub. L. 89-329, was redesignated part D of this subchapter.

A prior part C of title IV of Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1249, consisting of sections 441 and 442, was repealed by Pub. L. 90-575, title I, §131(a), Oct. 16, 1968, 82 Stat. 1028, in order to accommodate the redesignation and transfer of former part C of title I of Pub. L. 88-452. See Codification note above. Prior section 441 made various amendments to parts C and D of title I of Pub. L. 88-452, and, notwithstanding the repeal of section 441, those amendments were not struck out. Prior section 442 was classified to section 2757 of Title 42, The Public Health and Welfare.

§ 1087-51. Purpose; appropriations authorized

(a) Purpose

The purpose of this part is to stimulate and promote the part-time employment of students who are enrolled as undergraduate, graduate, or professional students and who are in need of earnings from employment to pursue courses of study at eligible institutions, and to encourage students receiving Federal student financial assistance to participate in community service activities that will benefit the Nation and engender in the students a sense of social responsibility and commitment to the community.

(b) Authorization of appropriations

There are authorized to be appropriated to carry out this part, such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(c) "Community services" defined

For purposes of this part, the term "community services" means services which are identified by an institution of higher education, through formal or informal consultation with local nonprofit, governmental, and community-based organizations, as designed to improve the quality of life for community residents, particularly low-income individuals, or to solve particular problems related to their needs, including—

(1) such fields as health care, child care (including child care services provided on campus that are open and accessible to the community), literacy training, education (including tutorial services), welfare, social services, transportation, housing and neighborhood improvement, public safety, emergency preparedness and response, crime prevention and control, recreation, rural development, and community improvement;

(2) work in a project, as defined in section 12511(20)¹ of title 42;

(3) support services to students with disabilities, including students with disabilities who are enrolled at the institution; and

(4) activities in which a student serves as a mentor for such purposes as—

(A) tutoring;

(B) supporting educational and recreational activities; and

(C) counseling, including career counseling.

(Pub. L. 89-329, title IV, §441, as added Pub. L. 99-498, title IV, §403(a), Oct. 17, 1986, 100 Stat.

¹ See References in Text note below.

1429; amended Pub. L. 102-325, title IV, § 441(b)-(d), July 23, 1992, 106 Stat. 563; Pub. L. 103-82, title I, § 111(b)(3), Sept. 21, 1993, 107 Stat. 860; Pub. L. 105-244, title IV, § 441, Oct. 7, 1998, 112 Stat. 1711; Pub. L. 110-315, title IV, § 441, Aug. 14, 2008, 122 Stat. 3258.)

Editorial Notes

REFERENCES IN TEXT

Section 12511(20) of title 42, referred to in subsec. (c)(2), was redesignated section 12511(35) by Pub. L. 111-13, title I, § 1102(b)(1), Apr. 21, 2009, 123 Stat. 1467.

CODIFICATION

Section was formerly classified to section 2751 of Title 42, The Public Health and Welfare, prior to transfer to this section. See note below.

Section was originally enacted as section 121 (and later renumbered section 141) of the Economic Opportunity Act of 1964, Pub. L. 88-452, at which time it was classified to section 2751 of Title 42, The Public Health and Welfare. It was renumbered as section 441 of title IV of the Higher Education Act of 1965, Pub. L. 89-329, by Pub. L. 90-575, § 131(a), (b)(1), and later editorially transferred to this section to merge with the rest of the Act, which is classified to this chapter. For complete credit information on acts affecting this section prior to Pub. L. 99-498, see Prior Provisions note below.

PRIOR PROVISIONS

A prior section 441 of Pub. L. 89-329, title IV, formerly Pub. L. 88-452, title I, § 141, formerly § 121, Aug. 20, 1964, 78 Stat. 513; Pub. L. 89-329, title IV, § 441(2), Nov. 8, 1965, 79 Stat. 1249; renumbered § 141, Pub. L. 90-222, title I, § 111(a), Dec. 23, 1967, 81 Stat. 726; renumbered Pub. L. 89-329, title IV, § 441, and amended Pub. L. 90-575, title I, §§ 131(a), (b)(1), 132, 133(a), Oct. 16, 1968, 82 Stat. 1028, 1029; Pub. L. 91-95, § 5, Oct. 22, 1969, 83 Stat. 143; Pub. L. 92-318, title I, §§ 135, 135A(a), June 23, 1972, 86 Stat. 270; Pub. L. 94-482, title I, § 128(a), Oct. 12, 1976, 90 Stat. 2143; Pub. L. 96-374, title IV, § 431, Oct. 3, 1980, 94 Stat. 1433, stated purpose of this part and authorized appropriations for fiscal years 1981 to 1985, prior to the general revision of this part by Pub. L. 99-498.

Another prior section 441 of Pub. L. 89-329, title IV, Nov. 8, 1965, 79 Stat. 1249, which amended this section and former sections 2752 to 2756 and 2761 of Title 42, The Public Health and Welfare, was repealed by Pub. L. 90-575, title I, § 131(a), Oct. 16, 1968, 82 Stat. 1028. Because the repeal happened in order to accommodate the new section 441 resulting from the renumbering of former section 141 of Pub. L. 88-452, the amendments made by prior section 441 were not treated as being struck out.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-315, § 441(1), substituted “such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years” for “\$1,000,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years”.

Subsec. (c)(1). Pub. L. 110-315, § 441(2), inserted “emergency preparedness and response,” after “public safety.”

1998—Subsec. (b). Pub. L. 105-244, § 441(a), substituted “\$1,000,000,000 for fiscal year 1999” for “\$800,000,000 for fiscal year 1993”.

Subsec. (c)(1). Pub. L. 105-244, § 441(b)(1), inserted “(including child care services provided on campus that are open and accessible to the community)” after “child care”.

Subsec. (c)(3). Pub. L. 105-244, § 441(b)(2), inserted “, including students with disabilities who are enrolled at the institution” before the semicolon.

1993—Subsec. (c)(2). Pub. L. 103-82 substituted “a project, as defined in section 12511(20) of title 42” for “service opportunities or youth corps as defined in sec-

tion 12511 of title 42, and service in the agencies, institutions and activities designated in section 12544(a) of title 42”.

1992—Subsec. (a). Pub. L. 102-325, § 441(b), inserted before period at end “, and to encourage students receiving Federal student financial assistance to participate in community service activities that will benefit the Nation and engender in the students a sense of social responsibility and commitment to the community”.

Subsec. (b). Pub. L. 102-325, § 441(c), amended subsec. (b) generally, substituting present provisions for former provisions which authorized appropriations for fiscal years 1987 to 1991.

Subsec. (c). Pub. L. 102-325, § 441(d), added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

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

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Oct. 1, 1993, see section 123 of Pub. L. 103-82, set out as a note under section 1701 of Title 16, Conservation.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of this title.

REFERENCES TO PART C OF TITLE I OF THE ECONOMIC OPPORTUNITY ACT OF 1964

Pub. L. 90-575, title I, § 131(c), Oct. 16, 1968, 82 Stat. 1028, provided that: “Any reference to any provision of part C of title I of the Economic Opportunity Act of 1964 in any law of the United States shall be deemed to be a reference to the corresponding provision of part C of title IV of the Higher Education Act of 1965 [this part] as amended by this section.”

§ 1087-52. Allocation of funds

(a) Allocation based on previous allocation

(1) From the amount appropriated pursuant to section 1087-51(b) of this title for each fiscal year, the Secretary shall first allocate to each eligible institution for each succeeding fiscal year, an amount equal to 100 percent of the amount such institution received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year).

(2)(A) From the amount so appropriated, the Secretary shall next allocate to each eligible institution that began participation in the program under this part after fiscal year 1999 but is not a first or second time participant, an amount equal to the greater of—

(i) \$5,000; or

(ii) 90 percent of the amount received and used under this part for the first year it participated in the program.

(B) From the amount so appropriated, the Secretary shall next allocate to each eligible institution that began participation in the program under this part after fiscal year 1999 and is a first or second time participant, an amount equal to the greatest of—

(i) \$5,000;

(ii) an amount equal to (I) 90 percent of the amount received and used under this part in