

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

Pub. L. 109-171, title VIII, §8017(b)(2), Feb. 8, 2006, 120 Stat. 173, provided that: “The amendments made by paragraph (1) [amending this section] shall apply with respect to determinations of need for periods of enrollment beginning on or after July 1, 2007.”

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244, effective Oct. 7, 1998, and applicable with respect to determinations of need under this part for academic years beginning on or after July 1, 2000, see section 480A of Pub. L. 105-244, set out as a note under section 1087kk 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 Pub. L. 102-325 applicable with respect to determinations of need under this part for award years beginning on or after July 1, 1993, see section 471(b) of Pub. L. 102-325, set out as a note under section 1087kk of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

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

§ 1087qq. Student aid index for independent students with dependents other than a spouse

(a) Computation of student aid index

(1) In general

For each independent student with dependents other than a spouse, the student aid index is equal to the amount determined by—

(A) computing adjusted available income by adding—

(i) the family’s available income (determined in accordance with subsection (b)); and

(ii) the family’s available assets (determined in accordance with subsection (c));

(B) assessing such adjusted available income in accordance with an assessment schedule set forth in subsection (d); and

(C) considering such assessment resulting under subparagraph (B) as the amount determined under this subsection.

(2) Exception

If the sum determined under paragraph (1) with respect to an independent student with dependents other than a spouse is less than – \$1,500, the student aid index for the independent student shall be – \$1,500.

(b) Family’s available income

(1) In general

The family’s available income is determined by deducting from total income (as defined in section 1087vv of this title)—

(A) Federal income taxes;

(B) an allowance for payroll taxes, determined in accordance with paragraph (2);

(C) an income protection allowance, determined in accordance with paragraph (3); and

(D) an employment expense allowance, determined in accordance with paragraph (4).

(2) Allowance for payroll taxes

The allowance for payroll taxes is equal to the sum of—

(A) the total amount earned by the student (and spouse, if appropriate), multiplied by the rate of tax under section 3101(b) of title 26; and

(B) the amount earned by the student (and spouse, if appropriate) that does not exceed such contribution and benefit base (twice such contribution and benefit base, in the case of a joint return) for the year of the earnings, multiplied by the rate of tax applicable to such earnings under section 3101(a) of title 26.

(3) Income protection allowance

The income protection allowance shall equal the amount determined in the following table, as adjusted by the Secretary pursuant to section 1078rr(b) of this title:

(A) In the case of a married independent student with dependents:

Income Protection Allowance (to be adjusted for 2023-2024 and succeeding years)

Family Size (including student)	Amount
3	\$46,140
4	\$56,970
5	\$67,230
6	\$78,620
For each additional add ..	\$8,880.

(B) In the case of a single independent student with dependents:

Income Protection Allowance (to be adjusted for 2023-2024 and succeeding years)

Family Size (including student)	Amount
2	\$43,920
3	\$54,690
4	\$67,520
5	\$79,680
6	\$93,180
For each additional add ..	\$10,530.

(4) Employment expense allowance

The employment expense allowance is equal to the lesser of \$4,000 or 35 percent of the student’s earned income or the combined earned income of the student and the student’s spouse, if applicable (as adjusted by the Secretary pursuant to section 1087rr(g) of this title).

(c) Family’s available assets

(1) In general

(A) Determination

Except as provided in subparagraph (B), the family’s available assets are equal to—

(i) the difference between the family’s assets (as defined in 1087vv(f) of this title) and the asset protection allowance (determined in accordance with paragraph (2)); multiplied by

(ii) 7 percent.

(B) Not less than zero

The family’s available assets under this subsection shall not be less than zero.

(2) Asset protection allowance

The asset protection allowance is calculated based on the following table (as revised by the Secretary pursuant to section 1087rr(d) of this title):

Asset Protection Allowances for Families and Students

If the age of the student is—	And the student is	
	married	single
then the allowance is—		
25 or less	\$ 0	\$0
26	\$400	\$100
27	\$700	\$300
28	\$1,100	\$400
29	\$1,500	\$600
30	\$1,800	\$700
31	\$2,200	\$800
32	\$2,600	\$1,000
33	\$2,900	\$1,100
34	\$3,300	\$1,300
35	\$3,700	\$1,400
36	\$4,000	\$1,500
37	\$4,400	\$1,700
38	\$4,800	\$1,800
39	\$5,100	\$2,000
40	\$5,500	\$2,100
41	\$5,600	\$2,200
42	\$5,700	\$2,200
43	\$5,900	\$2,300
44	\$6,000	\$2,300
45	\$6,200	\$2,400
46	\$6,300	\$2,400
47	\$6,500	\$2,500
48	\$6,600	\$2,500
49	\$6,800	\$2,600
50	\$7,000	\$2,700
51	\$7,100	\$2,700
52	\$7,300	\$2,800
53	\$7,500	\$2,900
54	\$7,700	\$2,900
55	\$7,900	\$3,000
56	\$8,100	\$3,100
57	\$8,400	\$3,100
58	\$8,600	\$3,200
59	\$8,800	\$3,300
60	\$9,100	\$3,400
61	\$9,300	\$3,500
62	\$9,600	\$3,600
63	\$9,900	\$3,700
64	\$10,200	\$3,800
65 or more	\$10,500	\$3,900.

(d) Assessment schedule

The assessment of adjusted available income (as determined under subsection (a)(1) and hereafter in this subsection referred to as “AAI”) is calculated based on the following table (as revised by the Secretary pursuant to section 1087rr(e) of this title):

Assessment From Adjusted Available Income	
If AAI is—	Then the assessment is—
Less than – \$6,820	– \$1,500
– \$6,820 to \$17,400	22% of AAI
\$17,401 to \$21,800	\$3,828 + 25% of AAI over \$17,400
\$21,801 to \$26,200	\$4,928 + 29% of AAI over \$21,800
\$26,201 to \$30,700	\$6,204 + 34% of AAI over \$26,200
\$30,701 to \$35,100	\$7,734 + 40% of AAI over \$30,700
\$35,101 or more	\$9,494 + 47% of AAI over \$35,100.

(e) Computations in case of separation, divorce, or death

In the case of a student who is divorced or separated, or whose spouse has died, the spouse’s income and assets shall not be considered in determining the family’s available income or assets.

(Pub. L. 89-329, title IV, §477, as added Pub. L. 99-498, title IV, §406(a), Oct. 17, 1986, 100 Stat. 1465; amended Pub. L. 100-50, §14(1)-(6), (8), (18), (19), June 3, 1987, 101 Stat. 349-351; Pub. L. 102-325, title IV, §471(a), July 23, 1992, 106 Stat. 597; Pub. L. 103-208, §2(g)(2), (7), Dec. 20, 1993, 107 Stat. 2472; Pub. L. 105-78, title VI, §609(i), Nov. 13, 1997, 111 Stat. 1524; Pub. L. 105-244, title IV, §475, Oct. 7, 1998, 112 Stat. 1730; Pub. L. 109-171, title VIII, §8017(c)(1), Feb. 8, 2006, 120 Stat. 173; Pub. L. 110-84, title VI, §601(c), Sept. 27, 2007, 121 Stat. 802; Pub. L. 111-39, title IV, §406(a)(3), July 1, 2009, 123 Stat. 1948; Pub. L. 116-290, div. FF, title VII, §702(f), Dec. 27, 2020, 134 Stat. 3147.)

Editorial Notes

AMENDMENTS

2020—Pub. L. 116-260 amended section generally. Prior to amendment, section related to family contribution for independent students with dependents other than a spouse.

2009—Subsec. (b)(5)(B). Pub. L. 111-39 made technical amendment to reference in original act which appears in text as reference to section 2 of title 26.

2007—Subsec. (b)(4). Pub. L. 110-84 amended par. (4) generally. Prior to amendment, par. (4) consisted of a single table to be used to determine income protection allowances.

2006—Subsec. (c)(4). Pub. L. 109-171 substituted “7” for “12”.

1998—Subsec. (a)(4). Pub. L. 105-244 added par. (4).
1997—Subsec. (b)(1)(F). Pub. L. 105-78 added subpar. (F).

1993—Subsec. (b)(4). Pub. L. 103-208, §2(g)(2), substituted “\$9,510” for “9,510” in table.

Subsec. (e). Pub. L. 103-208, §2(g)(7), added subsec. (e).
1992—Pub. L. 102-325 amended section generally, substituting provisions relating to family contribution for independent students with dependents other than a spouse for provisions relating to family contribution for independent students with dependents (including a spouse).

1987—Subsec. (a)(1)(C). Pub. L. 100-50, §14(18), added subpar. (C).

Subsec. (b)(2). Pub. L. 100-50, §14(1), substituted “section 1087rr of this title” for “section 1087ss of this title”.

Subsec. (b)(5)(A). Pub. L. 100-50, §14(19), substituted “\$2,100” for “\$2,000”.

Subsec. (b)(7). Pub. L. 100-50, §14(2), struck out “National” before “Center”.

Subsec. (c)(2)(B). Pub. L. 100-50, §14(3), substituted “displaced homemaker” for “dislocated homemaker”.

Subsec. (c)(2)(C). Pub. L. 100-50, §14(1), (4), substituted “section 1087rr of this title” for “section 1087ss of this title” in text, added table, and struck out former table which read as follows:

“Adjusted Net Worth of a Business or Farm	
If the net worth of a business or farm is—	Then the adjusted net worth is:
Less than \$1	\$0
\$1-\$65,000	40 percent of NW
\$65,001-\$195,000	\$26,000 plus 50 percent of NW over \$65,000
\$195,001-\$325,000	\$91,000 plus 60 percent of NW over \$195,000
\$325,001 or more	\$169,000 plus 100 percent of NW over \$325,000’.

Subsec. (c)(4)(B). Pub. L. 100-50, §14(5), substituted “\$15,999” for “\$15,000”.

Subsec. (c)(4)(C). Pub. L. 100-50, §14(6), substituted “\$16,000” for “\$15,000” in three places.

Subsec. (d). Pub. L. 100-50, §14(1), (8), substituted “section 1087rr of this title” for “section 1087ss of this title” in text and inserted a minus sign before “\$3,409” in two places in table.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116-260 effective July 1, 2024, except as otherwise expressly provided, and applicable with respect to award year 2024-2025 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 2009 AMENDMENT

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

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-84 effective July 1, 2009, see section 601(e) of Pub. L. 110-84, set out as a note under section 1087oo of this title.

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.

Pub. L. 109-171, title VIII, §8017(c)(2), Feb. 8, 2006, 120 Stat. 173, provided that: “The amendment made by paragraph (1) [amending this section] shall apply with respect to determinations of need for periods of enrollment beginning on or after July 1, 2007.”

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244, effective Oct. 7, 1998, and applicable with respect to determinations of need under this part for academic years beginning on or after July 1, 2000, see section 480A of Pub. L. 105-244, set out as a note under section 1087kk 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 Pub. L. 102-325 applicable with respect to determinations of need under this part for award years beginning on or after July 1, 1993, see section 471(b) of Pub. L. 102-325, set out as a note under section 1087kk of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

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

§ 1087rr. Regulations; updated tables

(a) Authority to prescribe regulations restricted

Notwithstanding any other provision of law, the Secretary shall not have the authority to prescribe regulations to carry out this part except—

- (1) to prescribe updated tables in accordance with subsections (b) through (g); and

(2) with respect to the definition of cost of attendance under section 1087ll of this title, excluding section 1087ll(a)(1) of this title.

(b) Income protection allowance adjustments

For award year 2023-2024 and each subsequent award year, the Secretary shall publish in the Federal Register revised income protection allowances for the purposes of subsections (c)(3) and (g)(2)(C) of section 1087oo of this title, subclauses (I) and (II) of section 1087pp(b)(1)(A)(iii) of this title, and section 1087qq(b)(3) of this title, by increasing the income protection allowances in each of such provisions, by a percentage equal to the percentage increase in the Consumer Price Index, as defined in subsection (f), between April 2020 and the April in the year prior to the beginning of the award year and rounding the result to the nearest \$10.

(c) Adjusted net worth of a farm or business

(1) Table

The table of the net worth of a farm or business for purposes of making determinations of assets as defined under section 1087vv(f) of this title is the following:

Farm/Business Net Worth Adjustment	
If the net worth of a farm or business is—	Then the adjusted net worth is—
Less than \$1	\$0
\$1 to \$140,000	40% of net worth of farm/business
\$140,001 to \$415,000	\$56,000 + 50% of net worth over \$140,000
\$415,001 to \$695,000	\$193,500 + 60% of net worth over \$415,000
\$695,001 or more	\$361,500 + 100% of net worth over \$695,000.

(2) Revised tables

For award year 2023-2024 and each subsequent award year, the Secretary shall publish in the Federal Register a revised table of the adjusted net worth of a farm or business for purposes of section 1087vv(f) of this title. Such revised table shall be developed—

(A) by increasing each dollar amount that refers to net worth of a farm or business by a percentage equal to the percentage increase in the Consumer Price Index between April 2020 and the April in the year prior to the beginning of such award year, and rounding the result to the nearest \$5,000; and

(B) by adjusting the dollar amounts in the column referring to the adjusted net worth to reflect the changes made pursuant to subparagraph (A).

(d) Asset protection allowance

For award year 2023-2024 and each subsequent award year, the Secretary shall publish in the Federal Register a revised table of allowances for the purpose of sections 1087oo(d)(2), 1087pp(c)(2), and 1087qq(c)(2) of this title. Such revised table shall be developed by determining the present value cost, rounded to the nearest \$100, of an annuity that would provide, for each age cohort of 40 and above, a supplemental income at age 65 (adjusted for inflation) equal to the difference between the moderate family income (as most recently determined by the Bu-