

to parts B (§620 et seq.) and E (§670 et seq.), respectively, of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

2022—Subsec. (a)(1)(D). Pub. L. 117–103, §103(b)(1), inserted “the same or” before “a prior award”.

Subsec. (b)(5). Pub. L. 117–103, §103(b)(2), inserted “the same or” before “a prior award”.

Subsec. (d)(2). Pub. L. 117–103, §103(b)(3), inserted “this section, or paragraph (2), (8), or (9) of section 1087vv(d) of this title,” after “pursuant to section 1087tt(c) of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117–103 effective as if included in title VII of div. FF of Pub. L. 116–260 and subject to the effective date of section 701(b) of title VII (July 1, 2024), see section 103(d) of div. R of Pub. L. 117–103, set out as a note under section 1070a of this title.

EFFECTIVE DATE

Section 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 an Effective Date of 2020 Amendment note under section 1001 of this title. Implementation of section allowed on or after July 1, 2023, see section 102(c)(1)(A)(iii) of Pub. L. 117–103, set out as an On-Time Effective Date Permitted note under section 1070a of this title.

§ 1087vv. Definitions

In this part:

(a) Total income

The term “total income” means the amount equal to adjusted gross income for the second preceding tax year plus untaxed income and benefits for the second preceding tax year minus excludable income for the second preceding tax year. The factors used to determine total income shall be derived from the Federal income tax return, if available, except for the applicant’s ability to indicate a qualified rollover in the second preceding tax year as outlined in section 1090 of this title or foreign income described in subsection (b)(5).

(b) Untaxed income and benefits

The term “untaxed income and benefits” means—

- (1) deductions and payments to self-employed SEP, SIMPLE, Keogh, and other qualified individual retirement accounts excluded from income for Federal tax purposes, except such term shall not include payments made to tax-deferred pension and retirement plans, paid directly or withheld from earnings, that are not delineated on the Federal tax return;
- (2) tax-exempt interest income;
- (3) untaxed portion of individual retirement account distributions;
- (4) untaxed portion of pensions; and
- (5) foreign income of permanent residents of the United States or United States citizens exempt from Federal taxation, or the foreign income for which such a permanent resident or citizen receives a foreign tax credit.

(c) Veterans and veterans’ education benefits

(1) The term “veteran” has the meaning given the term in section 101(2) of title 38 and includes individuals who served in the United States Armed Forces as described in sections 101(21), 101(22), and 101(23) of title 38.

(2) The term “veterans’ education benefits” means veterans’ benefits under the following provisions of law:

(A) Chapter 103 of title 10 (Senior Reserve Officers’ Training Corps).

(B) Chapter 106A of title 10 (Educational Assistance for Persons Enlisting for Active Duty).

(C) Chapter 1606 of title 10 (Selected Reserve Educational Assistance Program).

(D) Chapter 1607 of title 10 (Educational Assistance Program for Reserve Component Members Supporting Contingency Operations and Certain Other Operations).

(E) Chapter 30 of title 38 (All-Volunteer Force Educational Assistance Program, also known as the “Montgomery GI Bill—active duty”).

(F) Chapter 31 of title 38 (Training and Rehabilitation for Veterans with Service-Connected Disabilities).

(G) Chapter 32 of title 38 (Post-Vietnam Era Veterans’ Educational Assistance Program).

(H) Chapter 33 of title 38 (Post-9/11 Educational Assistance).

(I) Chapter 35 of title 38 (Survivors’ and Dependents’ Educational Assistance Program).

(J) Section 903 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note) (Educational Assistance Pilot Program).

(K) Section 156(b) of the “Joint Resolution making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes” (42 U.S.C. 402 note) (Restored Entitlement Program for Survivors, also known as “Quayle benefits”).

(L) The provisions of chapter 3 of title 37, related to subsistence allowances for members of the Reserve Officers Training Corps.

(d) Independent students and determinations

The term “independent”, when used with respect to a student, means any individual who—

(1) is 24 years of age or older by December 31 of the award year;

(2) is, or was at any time when the individual was 13 years of age or older—

- (A) an orphan;
- (B) a ward of the court; or
- (C) in foster care;

(3) is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual’s State of legal residence;

(4) is a veteran of the Armed Forces of the United States (as defined in subsection (c)) or is currently serving on active duty in the Armed Forces for other than training purposes;

(5) is a graduate or professional student;

(6) is married and not separated;

(7) has legal dependents other than a spouse;

(8) is an unaccompanied homeless youth or is unaccompanied, at risk of homelessness,

and self-supporting, without regard to such individual's age; and

(9) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances pursuant to section 1087tt(c) of this title in which the student is unable to contact a parent or where contact with parents poses a risk to such student, which includes circumstances of—

(A) human trafficking, as described in the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(B) legally granted refugee or asylum status;

(C) parental abandonment or estrangement; or

(D) student or parental incarceration.

(e) Excludable income

The term “excludable income” means—

(1) an amount equal to the education credits described in paragraphs (1) and (2) of section 25A(a) of title 26;

(2) if an applicant elects to report it, college grant and scholarship aid included in gross income on a Federal tax return, including amounts attributable to grant and scholarship portions of fellowships and assistantships and any national service educational award or post-service benefit received by an individual under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), including awards, living allowances, and interest accrual payments; and

(3) income earned from work under part C of this subchapter.

(f) Assets

(1) In general

The term “assets” means the amount in checking and savings accounts, time deposits, money market funds, investments, trusts, stocks, bonds, derivatives, securities, mutual funds, tax shelters, qualified education benefits (except as provided in paragraph (3)), the annual amount of child support received and the net value of real estate, vacation homes, income producing property, and business and farm assets, determined in accordance with section 1087rr(c) of this title.

(2) Exclusions

With respect to determinations of need under this subchapter, the term “assets” shall not include the net value of the family's principal place of residence.

(3) Consideration of qualified education benefit

A qualified education benefit shall be considered an asset of—

(A) the student if the student is an independent student; or

(B) the parent if the student is a dependent student and the account is designated for the student, regardless of whether the owner of the account is the student or the parent.

(4) Definition of qualified education benefit

In this subsection, the term “qualified education benefit” means—

(A) a qualified tuition program (as defined in section 529(b)(1)(A) of title 26) or other prepaid tuition plan offered by a State; and

(B) a Coverdell education savings account (as defined in section 530(b)(1) of title 26).

(g) Net value

The term “net value” means the market value at the time of application of the assets (as defined in subsection (f)), minus the outstanding liabilities or indebtedness against the assets.

(h) Treatment of income taxes paid to other jurisdictions

(1) The tax on income paid to the Governments of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau under the laws applicable to those jurisdictions, or the comparable tax paid to the central government of a foreign country, shall be treated as Federal income taxes.

(2) References in this part to title 26, Federal income tax forms, and the Internal Revenue Service shall, for purposes of the tax described in paragraph (1), be treated as references to the corresponding laws, tax forms, and tax collection agencies of those jurisdictions, respectively, subject to such adjustments as the Secretary may provide by regulation.

(i) Other financial assistance

(1) For purposes of determining a student's eligibility for funds under this subchapter, other financial assistance not received under this subchapter shall include all scholarships, grants, loans, or other assistance known to the institution at the time the determination of the student's need is made, including national service educational awards or post-service benefits under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), but excluding veterans' education benefits.

(2) Notwithstanding paragraph (1), a tax credit taken under section 25A of title 26, or a distribution that is not includable in gross income under section 529 of such title, under another prepaid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such title, shall not be treated as other financial assistance for purposes of section 1087kk(a)(3)¹ of this title.

(3) Notwithstanding paragraph (1) and section 1087ll of this title, assistance not received under this subchapter may be excluded from both other financial assistance and cost of attendance, if that assistance is provided by a State and is designated by such State to offset a specific component of the cost of attendance. If that assistance is excluded from either other financial assistance or cost of attendance, it shall be excluded from both.

(4) Notwithstanding paragraph (1), payments made and services provided under part E of title IV of the Social Security Act [42 U.S.C. 670 et seq.] to or on behalf of any child or youth over whom the State agency has responsibility for placement, care, or supervision, including the

¹ So in original. Probably should be “section 1087kk(3)”.

value of vouchers for education and training and amounts expended for room and board for youth who are not in foster care but are receiving services under section 477 of such Act [42 U.S.C. 677], shall not be treated as other financial assistance for purposes of section 1087kk(a)(3)¹ of this title.

(5) Notwithstanding paragraph (1), emergency financial assistance provided to the student for unexpected expenses that are a component of the student's cost of attendance, and not otherwise considered when the determination of the student's need is made, shall not be treated as other financial assistance for purposes of section 1087kk(a)(3)¹ of this title.

(j) Dependents

(1) Except as otherwise provided, the term "dependent of the parent" means the student who is deemed to be a dependent student when applying for aid under this subchapter, and any other person who lives with and receives more than one-half of their support from the parent (or parents) and will continue to receive more than half of their support from the parent (or parents) during the award year.

(2) Except as otherwise provided, the term "dependent of the student" means the student's dependent children and other persons (except the student's spouse) who live with and receive more than one-half of their support from the student and will continue to receive more than half of their support from the student during the award year.

(k) Family size

(1) Dependent student

Except as provided in paragraph (3), in determining family size in the case of a dependent student—

(A) if the parents are not divorced or separated, family members include the student's parents, and any dependent (within the meaning of section 152 of title 26 or an eligible individual for purposes of the credit under section 24 of title 26) of the student's parents for the taxable year used in determining the amount of need of the student for financial assistance under this subchapter;

(B) if the parents are divorced or separated, family members include the parent whose income is included in computing available income and any dependent (within the meaning of section 152 of title 26 or an eligible individual for purposes of the credit under section 24 of title 26) of that parent for the taxable year used in determining the amount of need of the student for financial assistance under this subchapter;

(C) if the parents are divorced and the parents whose income is so included are remarried, or if the parent was a widow or widower who has remarried, family members also include, in addition to those individuals referred to in subparagraph (B), the new spouse and any dependent (within the meaning of section 152 of title 26 or an eligible individual for purposes of the credit under section 24 of title 26) of the new spouse for the taxable year used in determining the amount of need of the student for financial assistance under this subchapter, if that

spouse's income is included in determining the parent's adjusted available income; and

(D) if the student is not considered as a dependent (within the meaning of section 152 of title 26 or an eligible individual for purposes of the credit under section 24 of title 26) of any parent, the parents' family size shall include the student and the family members applicable to the parents' situation under subparagraph (A), (B), or (C).

(2) Independent student

Except as provided in paragraph (3), in determining family size in the case of an independent student—

(A) family members include the student, the student's spouse, and any dependent (within the meaning of section 152 of title 26 or an eligible individual for purposes of the credit under section 24 of title 26) of that student for the taxable year used in determining the amount of need of the student for financial assistance under this subchapter; and

(B) if the student is divorced or separated, family members do not include the spouse (or ex-spouse), but do include the student and any dependent (within the meaning of section 152 of title 26 or an eligible individual for purposes of the credit under section 24 of title 26) of that student for the taxable year used in determining the amount of need of the student for financial assistance under this subchapter.

(3) Procedures and modification

The Secretary shall provide procedures for determining family size in cases in which information for the taxable year used in determining the amount of need of the student for financial assistance under this subchapter has changed or does not accurately reflect the applicant's current household size, including when a divorce settlement only allows a parent to file for the Earned Income Tax Credit available under section 32 of title 26.

(l) Business assets

The term "business assets" means property that is used in the operation of a trade or business, including real estate, inventories, buildings, machinery, and other equipment, patents, franchise rights, and copyrights.

(m) Homeless youth

The term "homeless youth" has the meaning given the term "homeless children and youths" in section 11434a of title 42.

(n) Unaccompanied

The terms "unaccompanied", "unaccompanied youth", or "unaccompanied homeless youth" have the meaning given the term "unaccompanied youth" in section 11434a of title 42.

(Pub. L. 89-329, title IV, § 480, as added Pub. L. 99-498, title IV, § 406(a), Oct. 17, 1986, 100 Stat. 1472; amended Pub. L. 100-50, § 14(28), June 3, 1987, 101 Stat. 353; Pub. L. 100-369, § 7(b), July 18, 1988, 102 Stat. 837; Pub. L. 101-610, title I, § 185(3), (4), Nov. 16, 1990, 104 Stat. 3168; Pub. L. 102-325, title IV, § 471(a), July 23, 1992, 106 Stat. 606; Pub. L. 103-82, title I, § 102(c)(4), (5), Sept. 21, 1993, 107

Stat. 824; Pub. L. 103-208, §2(g)(17)–(20), Dec. 20, 1993, 107 Stat. 2474; Pub. L. 104-193, title I, §110(h)(2), Aug. 22, 1996, 110 Stat. 2172; Pub. L. 105-78, title VI, §609(j), (k), Nov. 13, 1997, 111 Stat. 1524; Pub. L. 105-244, title IV, §479, Oct. 7, 1998, 112 Stat. 1732; Pub. L. 105-277, div. A, §101(f) [title VIII, §405(d)(15)(B), (f)(12)(B)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-421, 2681-431; Pub. L. 109-171, title VIII, §8019, Feb. 8, 2006, 120 Stat. 176; Pub. L. 110-84, title VI, §604(a), Sept. 27, 2007, 121 Stat. 806; Pub. L. 110-153, §1(a), Dec. 21, 2007, 121 Stat. 1824; Pub. L. 110-315, title IV, §473(a)–(e), Aug. 14, 2008, 122 Stat. 3270, 3271; Pub. L. 111-39, title IV, §406(a)(6)–(8), July 1, 2009, 123 Stat. 1949, 1950; Pub. L. 113-128, title V, §512(n)(4), July 22, 2014, 128 Stat. 1710; Pub. L. 116-260, div. FF, title VII, §702(l)(2), Dec. 27, 2020, 134 Stat. 3163.)

Editorial Notes

REFERENCES IN TEXT

Section 903 of the Department of Defense Authorization Act, 1981, referred to in subsec. (c)(2)(J), is section 903 of Pub. L. 96-342, which is set out as a note under section 2141 of Title 10, Armed Forces.

Section 156(b) of the “Joint Resolution making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes”, referred to in subsec. (c)(2)(K), is section 156(b) of Pub. L. 97-377, which is set out as a note under section 402 of Title 42, The Public Health and Welfare.

The Trafficking Victims Protection Act of 2000, referred to in subsec. (d)(9)(A), is div. A of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466, which is classified principally to chapter 78 (§7101 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of Title 22 and Tables.

The National and Community Service Act of 1990, referred to in subsecs. (e)(2) and (i)(1), is Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127, which is classified principally to chapter 129 (§12501 et seq.) of Title 42, The Public Health and Welfare. Title I of the Act is classified principally to subchapter I (§12511 et seq.) of chapter 129 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of Title 42 and Tables.

The Social Security Act, referred to in subsec. (i)(4), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Part E of title IV of the Act is classified generally to part E (§670 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

CODIFICATION

Amendment by section 2(g)(19) of Pub. L. 103-208 (which was effective as if included in Pub. L. 102-325) was executed to this section as amended by Pub. L. 102-325 and Pub. L. 103-82, to reflect the probable intent of Congress.

AMENDMENTS

2020—Pub. L. 116-260 amended section generally. Prior to amendment, section provided definitions for this part, including current balance of checking and savings accounts and special combat pay.

2014—Subsec. (b)(1)(I). Pub. L. 113-128 substituted “benefits received through participation in employment and training activities under title I of the Workforce Innovation and Opportunity Act” for “benefits received through participation in employment and training activities under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)”.

2009—Subsec. (a)(2). Pub. L. 111-39, §406(a)(6), substituted “12511” for “12571”.

Subsec. (c)(2). Pub. L. 111-39, §406(a)(7), substituted “benefits under the following provisions of law” for “the following” in introductory provisions, added subpars. (A) to (L), and struck out former subpars. (A) to (J) which listed, respectively, the following provisions of law: title 10, chapter 2; title 10, chapter 106; title 10, chapter 107; title 37, chapter 2; title 38, chapter 30; title 38, chapter 31; title 38, chapter 32; title 38, chapter 35; Public Law 97-376, section 156; and Public Law 96-342, section 903.

Subsec. (j)(1). Pub. L. 111-39, §406(a)(8), substituted “12511” for “12571”.

2008—Subsec. (a)(1). Pub. L. 110-315, §473(a)(1), designated existing provisions as subpar. (A), inserted “subparagraph (B) and” after “provided in”, and added subpar. (B).

Subsec. (a)(2). Pub. L. 110-315, §473(a)(2), inserted “no portion of veterans’ education benefits received by an individual,” after “any program by an individual,”.

Subsec. (b)(1)(E). Pub. L. 110-315, §473(b), inserted “, except that the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37 received by the parents, in the case of a dependent student, or the student or student’s spouse, in the case of an independent student, shall be excluded” before semicolon.

Subsec. (d)(1)(B), (C). Pub. L. 110-315, §473(c), added subpars. (B) and (C) and struck out former subpars. (B) and (C) which read as follows:

“(B) is an orphan, in foster care, or a ward of the court, at any time when the individual is 13 years of age or older;

“(C) is an emancipated minor or is in legal guardianship as determined by a court of competent jurisdiction in the individual’s State of legal residence;”.

Subsec. (e)(2) to (6). Pub. L. 110-315, §473(d), added par. (2) and redesignated former pars. (2) to (5) as (3) to (6), respectively.

Subsec. (j)(1). Pub. L. 110-315, §473(e), struck out “veterans’ education benefits as defined in subsection (c) of this section, and” before “national service educational awards” and inserted “, but excluding veterans’ education benefits as defined in subsection (c)” before period at end.

2007—Subsec. (a)(2). Pub. L. 110-84, §604(a)(1), substituted “no portion of any” for “and no portion of any” and inserted “and no distribution from any qualified education benefit described in subsection (f)(3) that is not subject to Federal income tax,” after “section 25A of title 26,”.

Subsec. (b). Pub. L. 110-84, §604(a)(2), added subsec. (b) and struck out former subsec. (b) which defined “untaxed income and benefits”.

Subsec. (b)(2). Pub. L. 110-153 added par. (2) and struck out former par. (2) which read as follows: “The term ‘untaxed income and benefits’ shall not include the amount of additional child tax credit claimed for Federal income tax purposes.”

Subsec. (d). Pub. L. 110-84, §604(a)(3)(A), (B), designated existing provisions as par. (1), inserted par. heading, redesignated former pars. (1), (2), (3) to (6), and (7) as subpars. (A), (B), (D) to (G), and (I), respectively, and realigned margins.

Subsec. (d)(1)(B), (C). Pub. L. 110-84, §604(a)(3)(C), added subpars. (B) and (C) and struck out former subpar. (B) which read as follows: “is an orphan or ward of the court or was a ward of the court until the individual reached the age of 18;”.

Subsec. (d)(1)(H). Pub. L. 110-84, §604(a)(3)(D), (E), added subpar. (H).

Subsec. (d)(2). Pub. L. 110-84, §604(a)(3)(F), added par. (2).

Subsec. (e)(5). Pub. L. 110-84, §604(a)(4), added par. (5).

Subsec. (f)(3). Pub. L. 110-84, §604(a)(5), added par. (3) and struck out former par. (3) which read as follows: “A qualified education benefit shall not be considered an asset of a student for purposes of section 1087oo of this title.”

Subsec. (j)(2). Pub. L. 110-84, §604(a)(6)(A), inserted “, or a distribution that is not includable in gross in-

come under section 529 of such title, under another pre-paid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such title,” after “title 26”.

Subsec. (j)(4). Pub. L. 110-84, § 604(a)(6)(B), added par. (4).

Subsec. (n). Pub. L. 110-84, § 604(a)(7), added subsec. (n).

2006—Subsec. (d)(3). Pub. L. 109-171, § 8019(a), inserted “or is currently serving on active duty in the Armed Forces for other than training purposes” before semicolon at end.

Subsec. (f)(1). Pub. L. 109-171, § 8019(b), inserted “qualified education benefits (except as provided in paragraph (3)),” after “tax shelters.”

Subsec. (f)(2)(C). Pub. L. 109-171, § 8019(c), added subpar. (C).

Subsec. (f)(3) to (5). Pub. L. 109-171, § 8019(d), added pars. (3) to (5).

Subsec. (j). Pub. L. 109-171, § 8019(e)(1), struck out “; tuition prepayment plans” at end of heading.

Subsec. (j)(2), (3). Pub. L. 109-171, § 8019(e)(2)-(4), struck out par. (2), redesignated par. (3) as (2), and added par. (3). Prior to amendment, par. (2) read as follows:

“(2)(A) Except as provided in subparagraph (B), for purposes of determining a student’s eligibility for funds under this subchapter, tuition prepayment plans shall reduce the cost of attendance (as determined under section 1087ll of this title) by the amount of the prepayment, and shall not be considered estimated financial assistance.

“(B) If the institutional expense covered by the prepayment must be part of the student’s cost of attendance for accounting purposes, the prepayment shall be considered estimated financial assistance.”

1998—Subsec. (b)(14). Pub. L. 105-277, § 101(f) [title VIII, § 405(f)(12)(B)], struck out “Job Training Partnership Act noneducational benefits or” after “railroad retirement benefits, or”.

Pub. L. 105-277, § 101(f) [title VIII, § 405(d)(15)(B)], substituted “Job Training Partnership Act noneducational benefits or benefits received through participation in employment and training activities under title I of the Workforce Investment Act of 1998” for “Job Training Partnership Act noneducational benefits”.

Subsec. (j)(1). Pub. L. 105-244, § 479(1), inserted before period at end “, and national service educational awards or post-service benefits under title I of the National and Community Service Act of 1990”.

Subsec. (j)(3), (4). Pub. L. 105-244, § 479(2), (3), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: “Notwithstanding paragraph (1), a national service educational award or post-service benefit under title I of the National and Community Service Act of 1990 shall not be treated as financial assistance for purposes of section 1087kk(3) of this title.”

1997—Subsec. (a)(2). Pub. L. 105-78, § 609(j), substituted “program by an individual, no” for “program by an individual, and no” and inserted “and no portion of any tax credit taken under section 25A of title 26,” before “shall be included”.

Subsec. (j)(4). Pub. L. 105-78, § 609(k), added par. (4).

1996—Subsec. (b)(2). Pub. L. 104-193 substituted “assistance under a State program funded” for “aid to families with dependent children under a State plan approved”.

1993—Subsec. (a)(2). Pub. L. 103-82, § 102(c)(4), inserted “, and no portion of a national service educational award or post-service benefit received by an individual under title I of the National and Community Service Act of 1990,” after “by an individual”.

Subsec. (c)(2). Pub. L. 103-208, § 2(g)(17), made technical amendment to references to titles of the United States Code in subpars. (A) to (H).

Subsec. (d)(2). Pub. L. 103-208, § 2(g)(18), inserted before semicolon “or was a ward of the court until the individual reached the age of 18”.

Subsec. (j)(3). Pub. L. 103-208, § 2(g)(19), realigned margin. See Codification note above.

Pub. L. 103-82, § 102(c)(5), added par. (3).

Subsecs. (k) to (m). Pub. L. 103-208, § 2(g)(20), added subsecs. (k) to (m).

1992—Pub. L. 102-325 amended section generally, substituting subsecs. (a) to (j) for former subsecs. (a) to (i).

1990—Subsec. (d)(2)(F). Pub. L. 101-610, § 185(4), inserted “and living allowances as a result of participation in a program established under the National and Community Service Act of 1990” after “other than parents”.

Subsec. (f)(3). Pub. L. 101-610, § 185(3), added par. (3).

1988—Subsec. (i). Pub. L. 100-369 added subsec. (i).

1987—Subsec. (a)(1). Pub. L. 100-50, § 14(28)(A), (B), substituted “paragraphs (2) through (4)” for “paragraphs (2) and (3)” and inserted “minus excludable income (as defined in subsection (f) of this section)” before period at end.

Subsec. (a)(2). Pub. L. 100-50, § 14(28)(C), added par. (2) and struck out former par. (2) which read as follows: “The Secretary shall promulgate special regulations to permit, in the computation of family contributions for the programs under subpart 2 of part A and parts B, C, and E of this subchapter for any academic year the exclusion from family income of any proceeds of a sale of farm or business assets of that family if such sale results from a voluntary or involuntary foreclosure, forfeiture, liquidation, or bankruptcy.”

Subsec. (a)(4). Pub. L. 100-50, § 14(28)(D), added par. (4).

Subsecs. (b), (c). Pub. L. 100-50, § 14(28)(E), substituted subsec. (b) consisting of pars. (1) to (14) for former subsec. (b) consisting of pars. (1) to (19), and substituted subsec. (c) consisting of pars. (1) to (14) for former subsec. (c) consisting of pars. (1) to (16).

Subsec. (d)(2)(F). Pub. L. 100-50, § 14(28)(F), substituted “annual total resources (including all sources of resources other than parents)” for “an annual total income”.

Subsecs. (f) to (h). Pub. L. 100-50, § 14(28)(G), added subsecs. (f) to (h).

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. Implementation of amendment by Pub. L. 116-260 allowed on or after July 1, 2023, see section 102(c)(1)(A)(iii) of Pub. L. 117-103, set out as an On-Time Effective Date Permitted note under section 1070a of this title.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

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 2008 AMENDMENT

Pub. L. 110-315, title IV, § 473(f), Aug. 14, 2008, 122 Stat. 3271, as amended by Pub. L. 111-39, title IV, § 406(c), July 1, 2009, 123 Stat. 1950, provided that: “The amendments made by this section [amending this section] shall take effect on July 1, 2010, except that the amendments made in subsection (e) [amending this section] shall take effect on July 1, 2009.”

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-153, § 1(b), Dec. 21, 2007, 121 Stat. 1824, provided that: “This section [amending this section] and

the amendment made by this section shall take effect on July 1, 2009.”

Pub. L. 110–84, title VI, § 604(b), Sept. 27, 2007, 121 Stat. 808, provided that: “The amendments made by this section [amending this section] shall be effective on July 1, 2009.”

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 1998 AMENDMENTS

Amendment by Pub. L. 105–244 effective Oct. 7, 1998, see section 480A of Pub. L. 105–244, set out as a note under section 1087kk of this title.

Amendment by section 101(f) [title VIII, § 405(d)(15)(B)] of Pub. L. 105–277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, § 405(f)(12)(B)] of Pub. L. 105–277 effective July 1, 2000, see section 101(f) [title VIII, § 405(g)(1), (2)(B)] of Pub. L. 105–277, set out as a note under section 3502 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104–193, as amended, set out as an Effective Date note under section 601 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1993 AMENDMENTS

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.

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 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.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

DEFINITION OF “INDEPENDENT STUDENT”; APPLICATION TO SPECIFIED PERIODS OF ENROLLMENT

Pub. L. 99–498, title IV, § 406(b)(5), formerly § 406(b)(4), Oct. 17, 1986, 100 Stat. 1475; renumbered § 406(b)(5), Pub. L. 100–50, § 22(e)(2), June 3, 1987, 101 Stat. 361, provided that: “The definition of independent student contained

in section 480(d) of the Act [20 U.S.C. 1087vv(d)] as amended by subsection (a) of this section shall apply with respect to the determination of such need for periods of enrollment beginning on or after January 1, 1987, in the case of programs operated under part B of title IV of the Act [part B of this subchapter], or for periods of enrollment beginning on or after July 1, 1987, in the case of programs operated under subpart 2 of part A and parts C and E of such title [subpart 2 of part A of this subchapter and parts C and E of this subchapter].”

[References to subpart 2 of part A of title IV of Pub. L. 89–329 deemed, after July 23, 1992, to refer to subpart 3 of such part, see section 402(b) of Pub. L. 102–325, set out as a note under section 1070a–11 of this title.]

PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

Editorial Notes

CODIFICATION

Part G of title IV of the Higher Education Act of 1965, comprising this part, was originally enacted by Pub. L. 89–329, title IV, §§ 461 to 464 and 469, as added by Pub. L. 90–575, title I, §§ 151, 152, Oct. 16, 1968, 82 Stat. 1032, 1033; amended Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 121; Pub. L. 92–318, June 23, 1972, 86 Stat. 235; Pub. L. 94–482, Oct. 12, 1976, 90 Stat. 2081; Pub. L. 95–43, June 15, 1977, 91 Stat. 213; Pub. L. 95–180, Nov. 15, 1977, 91 Stat. 1372; Pub. L. 95–566, Nov. 1, 1978, 92 Stat. 2402; S. Res. 30, Mar. 7, 1979; Pub. L. 96–49, Aug. 13, 1979, 93 Stat. 351; Pub. L. 96–374, Oct. 3, 1980, 94 Stat. 1367; Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 357; Pub. L. 98–79, Aug. 15, 1983, 97 Stat. 476; Pub. L. 99–272, Apr. 7, 1986, 100 Stat. 82. Such part is shown herein, however, as having been added by Pub. L. 99–498, title IV, § 407(a), Oct. 17, 1986, 100 Stat. 1475, without reference to such intervening amendments because of the extensive revision of the part’s provisions by Pub. L. 99–498.

Part G of title IV of the Higher Education Act of 1965, Pub. L. 89–329, comprising this part, was formerly classified to part F of this subchapter. See Codification note preceding section 1087a of this title. Prior to becoming this part, part G of title IV of Pub. L. 89–329 was originally added as part E of title IV of the Act by Pub. L. 90–575, title I, § 151, Oct. 16, 1968, 82 Stat. 1032, and classified to part D of this subchapter; then redesignated part F of title IV of the Act by Pub. L. 92–318, title I, § 137(b), June 23, 1972, 86 Stat. 273, and classified to part E of this subchapter; then redesignated part G of title IV of the Act by Pub. L. 99–498, title IV, § 406(a), Oct. 17, 1986, 100 Stat. 1454, and classified to part F of this subchapter.

PRIOR PROVISIONS

A prior part G, consisting of part H of title IV of Pub. L. 89–329, was redesignated part H of this subchapter.

§ 1088. Definitions

(a) Academic and award year

(1) For the purpose of any program under this subchapter, the term “award year” shall be defined as the period beginning July 1 and ending June 30 of the following year.

(2)(A) For the purpose of any program under this subchapter, the term “academic year” shall—

(i) require a minimum of 30 weeks of instructional time for a course of study that measures its program length in credit hours; or

(ii) require a minimum of 26 weeks of instructional time for a course of study that measures its program length in clock hours; and

(iii) require an undergraduate course of study to contain an amount of instructional