(Pub. L. 89–329, title III, § 396, formerly § 357, as added Pub. L. 99–498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1307; renumbered § 396, Pub. L. 105–244, title III, § 301(a)(2), Oct. 7, 1998, 112 Stat. 1636; amended Pub. L. 110–315, title III, § 320(6), Aug. 14, 2008, 122 Stat. 3188.)

AMENDMENTS

2008—Pub. L. 110–315 substituted ''1068h of this title'' for ''1069f of this title'' in introductory provisions.

§ 1068f. Penalties

Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of Federal financial assistance or grant pursuant to this subchapter embezzles, willfully misapplies, steals, or obtains by fraud any of the funds which are the subject of such grant or assistance, shall be fined not more than $10,000 or imprisoned for not more than 2 years, or both.

(Pub. L. 89–329, title III, § 397, formerly § 358, as added Pub. L. 99–498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1307; renumbered § 397, Pub. L. 105–244, title III, § 301(a)(2), Oct. 7, 1998, 112 Stat. 1636.)

CODIFICATION

Section was formerly classified to section 1069d of this title prior to renumbering by Pub. L. 105–244.

§ 1068g. Continuation awards

The Secretary shall make continuation awards under this subchapter for the second and succeeding years of a grant only after determining that the recipient is making satisfactory progress in carrying out the grant.

(Pub. L. 89–329, title III, § 398, as added Pub. L. 105–244, title III, § 308(g), Oct. 7, 1998, 112 Stat. 1649.)

EFFECTIVE DATE

Section effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105–244, see section 3 of Pub. L. 105–244, set out as an Effective Date of 1998 Amendment note under section 1001 of this title.

§ 1068h. Authorization of appropriations

(a) Authorizations

(1) Part A

(A) There are authorized to be appropriated to carry out part A (other than sections 1059c through 1059g of this title), $135,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(B) There are authorized to be appropriated to carry out section 1059c of this title, $30,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(C) There are authorized to be appropriated to carry out section 1059d of this title, $15,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(D) There are authorized to be appropriated to carry out section 1059e of this title, $75,000,000 for fiscal year 2009 and each of the five succeeding fiscal years.

(E) There are authorized to be appropriated to carry out section 1059f of this title, $25,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(F) There are authorized to be appropriated to carry out section 1059g of this title, $30,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(2) Part B

(A) There are authorized to be appropriated to carry out part B (other than section 1063b of this title), $375,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(B) There are authorized to be appropriated to carry out section 1063b of this title, $125,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(3) Part C

There are authorized to be appropriated to carry out part C, $10,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(4) Part D

(A) There are authorized to be appropriated to carry out part D (other than section 1066d(9) of this title, but including section 1066f of this title), $185,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(B) There are authorized to be appropriated to carry out section 1066d(9) of this title such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(5) Part E

(A) There are authorized to be appropriated to carry out subpart 1 of part E, $12,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(B) There are authorized to be appropriated to carry out subpart 2 of part E, such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(b) Use of multiple year awards

In the event of a multiple year award to any institution under this subchapter, the Secretary shall make funds available for such award from funds appropriated for this subchapter for the fiscal year in which such funds are to be used by the recipient.

(Pub. L. 89–329, title III, § 399, formerly § 360, as added Pub. L. 99–498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1307; amended Pub. L. 102–325, title III, § 305(e)–(g), July 23, 1992, 106 Stat. 479; renumbered § 399, and amended Pub. L. 105–244, title III, §§ 301(a)(2), 308(h), Oct. 7, 1998, 112 Stat. 1636, 1649; Pub. L. 110–315, title III, § 319, Aug. 14, 2008, 122 Stat. 3186.)

CODIFICATION

Section was formerly classified to section 1069f of this title prior to renumbering by Pub. L. 105–244.

PRIOR PROVISIONS

A prior section 1069, Pub. L. 89–329, title III, § 354, as added Pub. L. 99–498, title III, § 301(a), Oct. 17, 1986, 100

Stat. 1305, which related to cooperative arrangements, was renumbered section 394 of Pub. L. 89–329 by Pub. L. 105–244, title III, § 301(a)(2), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1068c of this title.

Another prior section 1069, Pub. L. 89–329, title III, § 344, as added Pub. L. 96–374, title III, § 301, Oct. 3, 1980, 94 Stat. 1399, provided for a program of grants to encourage cooperative arrangements between institutions, prior to the general amendment of this subchapter by Pub. L. 99–498.

Another prior section 1069, Pub. L. 89–329, title IV, § 409, Nov. 8, 1965, 79 Stat. 1236, related to definition of academic year, prior to the general amendment of part A of subchapter IV of this chapter by Pub. L. 92–318, title I, § 131(b)(1), June 23, 1972, 86 Stat. 247.

A prior section 1069a, Pub. L. 89–329, title III, § 355, as added Pub. L. 99–498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1306; amended Pub. L. 100–50, § 2(a)(16), (17), June 3, 1987, 101 Stat. 336, related to special payments rules, prior to repeal by Pub. L. 102–325, § 2, title III, § 305(c), July 23, 1992, 106 Stat. 458, 478, effective Oct. 1, 1992.

Another prior section 1069a, Pub. L. 89–329, title III, § 345, as added Pub. L. 96–374, title III, § 301, Oct. 3, 1980, 94 Stat. 1399, related to assistance to institutions under other programs, prior to the general amendment of this subchapter by Pub. L. 99–498.

A prior section 1069b, Pub. L. 89–329, title III, § 356, as added Pub. L. 99–498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1306, and amended, which related to assistance to institutions under other programs, was renumbered section 395 of Pub. L. 89–329 by Pub. L. 105–244, title III, § 301(a)(2), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1068d of this title.

Another prior section 1069b, Pub. L. 89–329, title III, § 346, as added Pub. L. 96–374, title III, § 301, Oct. 3, 1980, 94 Stat. 1400, limited activities for which funds appropriated to carry out this subchapter could be expended, prior to the general amendment of this subchapter by Pub. L. 99–498.

A prior section 1069c, Pub. L. 89–329, title III, § 357, as added Pub. L. 99–498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1307, which related to limitations on use of funds, was renumbered section 396 of Pub. L. 89–329 by Pub. L. 105–244, title III, § 301(a)(2), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1068e of this title.

Another prior section 1069c, Pub. L. 89–329, title III, § 347, as added Pub. L. 96–374, title III, § 301, Oct. 3, 1980, 94 Stat. 1400, and Pub. L. 98–95, § 3, Sept. 26, 1983, 97 Stat. 711; Pub. L. 98–312, § 1, June 12, 1984, 98 Stat. 233, authorized appropriations to carry out parts A to C of this subchapter, prior to the general amendment of this subchapter by Pub. L. 99–498.

A prior section 1069d, Pub. L. 89–329, title III, § 358, as added Pub. L. 99–498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1307, which related to penalties, was renumbered section 397 of Pub. L. 89–329 by Pub. L. 105–244, title III, § 301(a)(2), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1068f of this title.

A prior section 1069e, Pub. L. 89–329, title III, § 359, as added Pub. L. 99–498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1307, required application for challenge grant, prior to repeal by Pub. L. 102–325, § 2, title III, § 305(c), July 23, 1992, 106 Stat. 458, 478, effective Oct. 1, 1992.

A prior section 1069f, Pub. L. 89–329, title III, § 360, as added Pub. L. 99–498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1307, and amended, which authorized appropriations, was renumbered section 399 of Pub. L. 89–329 by Pub. L. 105–244, title III, § 301(a)(2), Oct. 7, 1998, 112 Stat. 1636, and transferred to this section.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–315 amended subsec. (a) generally. Prior to amendment, subsec. (a) related to authorizations for parts A to E for fiscal year 1999 and each of the 4 succeeding fiscal years.

1998—Subsec. (a)(1)(A). Pub. L. 105–244, § 308(h)(1)(A), substituted ''1999'' for ''1993''.

Subsec. (a)(1)(B). Pub. L. 105–244, § 308(h)(1)(B), redesignated cl. (i) as entire subpar., substituted ''$10,000,000 for fiscal year 1999'' for ''$45,000,000 for fiscal year 1993'', and struck out cl. (ii) which read as follows: ''No funds are authorized to be appropriated pursuant to clause (i) for any fiscal year unless the amount appropriated pursuant to paragraph (1)(A) for such fiscal year equals or exceeds $80,000,000.''

Subsec. (a)(1)(C). Pub. L. 105–244, § 308(h)(1)(C), added subpar. (C).

Subsec. (a)(2)(A). Pub. L. 105–244, § 308(h)(2)(A), substituted ''1999'' for ''1993''.

Subsec. (a)(2)(B). Pub. L. 105–244, § 308(h)(2)(B), substituted ''$35,000,000 for fiscal year 1999'' for ''$20,000,000 for fiscal year 1993''.

Subsec. (a)(3). Pub. L. 105–244, § 308(h)(3), substituted ''$10,000,000 for fiscal year 1999'' for ''$50,000,000 for fiscal year 1993''.

Subsec. (a)(4), (5). Pub. L. 105–244, § 308(h)(4), added pars. (4) and (5).

Subsec. (c). Pub. L. 105–244, § 308(h)(5), struck out heading and text of subsec. (c). Text read as follows: ''If the amount appropriated under subsection (a)(1) of this section for part A of this subchapter for any fiscal year beginning after September 30, 1986, equals or exceeds the amount appropriated for such part for fiscal year 1986, the Secretary shall, for such fiscal year—

''(1) allocate 25 percent of the excess (above the amount appropriated for part A of this subchapter for fiscal year 1986) among eligible institutions at which at least 60 percent of the students are African Americans, Hispanic Americans, Native Americans, Asian Americans, Native Hawaiians, or Pacific Islanders, or any combination thereof; and

''(2) allocate 75 percent of such excess among other eligible institutions.''

Subsec. (d). Pub. L. 105–244, § 308(h)(5), struck out heading and text of subsec. (d). Text read as follows: ''In any fiscal year in which the sums appropriated for part A of this subchapter are insufficient to make the reservations required by subsection (c) of this section, the Secretary shall ratably reduce the amount of the reservation.''

Subsec. (e). Pub. L. 105–244, § 308(h)(5), struck out heading and text of subsec. (e). Text read as follows: ''In any fiscal year beginning after September 30, 1992, the Secretary shall award at least 25 percent of the amount appropriated pursuant to the authority of paragraph (3) of subsection (a) of this section in each fiscal year to historically black colleges and universities that meet the requirements of part C of this subchapter, unless there are an insufficient number of quality applications or an insufficient number of applications due to the provisions in subsection (b)(2)(C) or subsection (b)(4)(B) of section 1065 of this title.''

1992—Subsec. (a). Pub. L. 102–325, § 305(e), amended subsec. (a) generally, substituting present provisions for provisions authorizing appropriations for fiscal year 1987 and the four succeeding fiscal years.

Subsec. (c). Pub. L. 102–325, § 305(f), substituted ''1986, the Secretary shall, for such fiscal year—'' for ''1986—'' in introductory provisions, added pars. (1) and (2), and struck out former pars. (1) and (2) which read as follows:

''(1) the Secretary shall, for such fiscal year, make available for use for the purposes of part A of this subchapter to institutions that are junior or community colleges not less than $51,400,000; and

''(2) the Secretary shall, for such fiscal year—

''(A) allocate 25 percent of the excess (above the amount appropriated for part A of this subchapter for fiscal year 1986) among eligible institutions with the highest percentages of students who are Black Americans, Hispanic Americans, Native Americans, Asian Americans, Native Hawaiians, or Pacific Islanders, or any combination thereof; and

''(B) allocate 75 percent of such excess among other eligible institutions.''

Subsec. (e). Pub. L. 102–325, § 305(g), added subsec. (e).

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 sec-

tion 3 of Pub. L. 105–244, set out as a note under section 1001 of this title.

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.

SUBCHAPTER IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

CODIFICATION

Part A of title IV of the Higher Education Act of 1965, comprising this part, was originally enacted by Pub. L. 89–329, title IV, Nov. 8, 1965, 79 Stat. 1232, and amended by Pub. L. 92–318, June 23, 1972, 86 Stat. 235; Pub. L. 93–380, Aug. 21, 1974, 88 Stat. 484; Pub. L. 94–328, June 30, 1976, 90 Stat. 727; Pub. L. 94–482, Oct. 12, 1976, 90 Stat. 2081; Pub. L. 95–43, June 15, 1977, 91 Stat. 213; Pub. L. 95–336, Aug. 4, 1978, 92 Stat. 451; Pub. L. 95–566, Nov. 1, 1978, 92 Stat. 2402; Pub. L. 96–49, Aug. 13, 1979, 93 Stat. 351; Pub. L. 96–374, Oct. 3, 1980, 94 Stat. 1367; Pub. L. 97–300, Oct. 13, 1982, 96 Stat. 1322; Pub. L. 97–301, Oct. 13, 1982, 96 Stat. 1400; Pub. L. 98–558, Oct. 30, 1984, 98 Stat. 2878; Pub. L. 99–145, Nov. 8, 1985, 99 Stat. 583. Such part is shown herein, however, as having been added by Pub. L. 99–498, title IV, § 401(a), Oct. 17, 1986, 100 Stat. 1308, without reference to such intervening amendments because of the extensive revision of part A by Pub. L. 99–498.

§ 1070. Statement of purpose; program authorization

(a) Purpose

It is the purpose of this part, to assist in making available the benefits of postsecondary education to eligible students (defined in accordance with section 1091 of this title) in institutions of higher education by—

(1) providing Federal Pell Grants to all eligible students;

(2) providing supplemental educational opportunity grants to those students who demonstrate financial need;

(3) providing for payments to the States to assist them in making financial aid available to such students;

(4) providing for special programs and projects designed (A) to identify and encourage qualified youths with financial or cultural need with a potential for postsecondary education, (B) to prepare students from low-income families for postsecondary education, and (C) to provide remedial (including remedial language study) and other services to students; and

(5) providing assistance to institutions of higher education.

(b) Secretary required to carry out purposes

The Secretary shall, in accordance with subparts 1 through 8 of this part, carry out programs to achieve the purposes of this part.

(Pub. L. 89–329, title IV, § 400, formerly § 401, as added Pub. L. 99–498, title IV, § 401(a), Oct. 17, 1986, 100 Stat. 1308; renumbered § 400, Pub. L. 102–325, title IV, § 402(a)(3), July 23, 1992, 106 Stat. 482; amended Pub. L. 105–244, title IV, § 401(g)(1), Oct. 7, 1998, 112 Stat. 1652.)

PRIOR PROVISIONS

A prior section 1070, Pub. L. 89–329, title IV, § 401, as added and amended Pub. L. 92–318, title I, § 131(b)(1), title X, § 1001(c)(1), (2), June 23, 1972, 86 Stat. 247, 381; Pub. L. 94–482, title I, § 125, Oct. 12, 1976, 90 Stat. 2096; Pub. L. 96–374, title IV, § 401, title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1401, 1503, stated purpose of program of grants to students in attendance at institutions of higher education, prior to the general revision of this part by Pub. L. 99–498.

AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105–244 substituted ''Federal Pell Grants'' for ''basic educational opportunity grants''.

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.

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS

Pub. L. 108–76, §§ 1–5, Aug. 18, 2003, 117 Stat. 904, formerly set out in a note under this section, was transferred to part F–1 (§ 1098aa et seq.) of this subchapter. Pub. L. 108–76, § 6, Aug. 18, 2003, 117 Stat. 908, as amended by Pub. L. 109–78, § 1, Sept. 30, 2005, 119 Stat. 2043, formerly set out in the same note under this section, which provided for termination of Pub. L. 108–76 on Sept. 30, 2007, was repealed by Pub. L. 110–93, § 2, Sept. 30, 2007, 121 Stat. 999.

Pub. L. 107–122, Jan. 15, 2002, 115 Stat. 2386, known as the Higher Education Relief Opportunities for Students Act of 2001, authorized the Secretary of Education to waive or modify statutory or regulatory provisions applicable to the student financial aid programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq., 42 U.S.C. 2751 et seq.) as deemed necessary because of a national emergency, provided sense of Congress as to tuition refunds from institutions of postsecondary education, and provided that the Act ceased to be effective Sept. 30, 2003.

COMMUNITY SCHOLARSHIP MOBILIZATION

Pub. L. 105–244, title VIII, part C, Oct. 7, 1998, 112 Stat. 1810, known as the Community Scholarship Mobilization Act, which established regional, State and community program centers to foster development of local entities in high poverty areas that promote higher education goals for low-income students with academic support and scholarship assistance for postsecondary education, was repealed by Pub. L. 110–315, title IX, § 931(2), Aug. 14, 2008, 122 Stat. 3456.

COMMUNITY SCHOOL PARTNERSHIPS

Pub. L. 103–382, title V, part B, Oct. 20, 1994, 108 Stat. 4045, which provided for grants to establish community centers giving academic support and postsecondary scholarships to poor students, was repealed by Pub. L. 105–277, div. A, § 101(f) [title VIII, § 301(a)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–410.

STUDY OF FEDERAL BENEFIT COORDINATION

Section 1405 of Pub. L. 102–325 directed Secretary of Education to conduct a study to evaluate the coordination of Federal student financial assistance programs under title IV of the Higher Education Act of 1965 [20 U.S.C. 1070 et seq.; 42 U.S.C. 2751 et seq.] with other programs funded in whole or in part with Federal funds, with Secretary to prepare and submit to appropriate committees of Congress a report on the study not later than 3 years after July 23, 1992, together with such recommendations as the Secretary deemed appropriate, prior to repeal by Pub. L. 105–332, § 6(b)(2), Oct. 31, 1998, 112 Stat. 3128.

OLYMPIC SCHOLARSHIPS

Pub. L. 102–325, title XV, § 1543, July 23, 1992, 106 Stat. 836, as amended by Pub. L. 105–244, title VIII, § 836, Oct.