''(A) any Reserve of an Armed Force called to active duty under section 672(a) [now 12301(a)], 672(g) [now 12301(g)], 673 [now 12302], 673b [now 12304], 674 [now 12306], or 688 of title 10, United States Code, for service in connection with Operation Desert Shield or Operation Desert Storm, regardless of the location at which such active duty service is performed; and

''(B) for purposes of waivers of administrative requirements under subsection (b)(2) only, any other member of an Armed Force on active duty in connection with Operation Desert Shield or Operation Desert Storm, who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

''(2) The term 'active duty' has the meaning given such term in section 101(22) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

''SEC. 5. TUITION REFUNDS OR CREDITS.

''(a) SENSE OF CONGRESS.—It is the sense of the Congress that all institutions offering postsecondary education should provide a full refund to any member or Reserve of an Armed Force on active duty service in connection with Operation Desert Shield or Operation Desert Storm for that portion of a period of instruction such individual was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for such service. For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

''(b) ENCOURAGEMENT AND REPORT.—The Secretary of Education shall encourage institutions to provide such refunds or credits, and shall report to the appropriate committees of Congress on the actions taken in accordance with this subsection as well as information he receives regarding any institutions that are not providing such refunds or credits.

''SEC. 6. TERMINATION OF AUTHORITY.

''The provisions of sections 4 and 5 shall cease to be effective on September 30, 1997.''

Pub. L. 102–25, title III, part E (§§ 371–376), Apr. 6, 1991, 105 Stat. 93, provided that:

''SEC. 371. SHORT TITLE

''This part may be cited as the 'Persian Gulf Conflict Higher Education Assistance Act'.

''SEC. 372. [Superseded by section 4 of Pub. L. 102–26, set out above.]

''SEC. 373. [Superseded by section 5 of Pub. L. 102–26, set out above.]

''SEC. 374. [Amended section 294d of Title 42, The Public Health and Welfare.]

''SEC. 375. [Superseded by section 6 of Pub. L. 102–26, set out above.]

''SEC. 376. COORDINATION WITH OTHER LAW

''If the Higher Education Technical Amendments of 1991 [Pub. L. 102–26, see Short Title of 1991 Amendment note set out under section 1001 of this title] is enacted, the provisions of sections 4, 5, and 6 of that Act shall supersede sections 372, 373, and 375.''

SUBPART 1—FEDERAL PELL GRANTS

CODIFICATION

Pub. L. 105–244, title IV, § 401(g)(2), Oct. 7, 1998, 112 Stat. 1652, amended subpart heading generally.

§ 1070a. Federal Pell Grants: amount and determinations; applications

(a) Program authority and method of distribution

(1) For each fiscal year through fiscal year 2017, the Secretary shall pay to each eligible institution such sums as may be necessary to pay to each eligible student (defined in accordance with section 1091 of this title) for each academic year during which that student is in attendance at an institution of higher education, as an undergraduate, a Federal Pell Grant in the amount for which that student is eligible, as determined pursuant to subsection (b) of this section. Not less than 85 percent of such sums shall be advanced to eligible institutions prior to the start of each payment period and shall be based upon an amount requested by the institution as needed to pay eligible students until such time as the Secretary determines and publishes in the Federal Register with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner,,[1] except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment.

(2) Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which they are eligible, in cases where the eligible institution elects not to participate in the disbursement system required by paragraph (1).

(3) Grants made under this subpart shall be known as ''Federal Pell Grants''.

(b) Purpose and amount of grants

(1) The purpose of this subpart is to provide a Federal Pell Grant that in combination with reasonable family and student contribution and supplemented by the programs authorized under subparts 3 and 4 of this part, will meet at least 75 percent of a student's cost of attendance (as defined in section 1087*ll* of this title), unless the institution determines that a greater amount of assistance would better serve the purposes of section 1070[2] of this title.

(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

(i) $6,000 for academic year 2009–2010;
(ii) $6,400 for academic year 2010–2011;
(iii) $6,800 for academic year 2011–2012;
(iv) $7,200 for academic year 2012–2013;
(v) $7,600 for academic year 2013–2014; and
(vi) $8,000 for academic year 2014–2015,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.

(B) In any case where a student attends an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of the Federal Pell Grant to which that student is entitled shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Secretary for the purposes of this division, computed in accordance with this subpart. Such schedule of reductions shall be established by regulation and published in the Federal Register in accordance with section 1089 of this title.

(3) No Federal Pell Grant under this subpart shall exceed the difference between the expected

[1] So in original.

[2] See References in Text note below.

family contribution for a student and the cost of attendance (as defined in section 1087*ll* of this title) at the institution at which that student is in attendance. If, with respect to any student, it is determined that the amount of a Federal Pell Grant plus the amount of the expected family contribution for that student exceeds the cost of attendance for that year, the amount of the Federal Pell Grant shall be reduced until the combination of expected family contribution and the amount of the Federal Pell Grant does not exceed the cost of attendance at such institution.

(4) No Federal Pell Grant shall be awarded to a student under this subpart if the amount of that grant for that student as determined under this subsection for any academic year is less than ten percent of the maximum basic grant level specified in the appropriate appropriation Act for such academic year, except that a student who is eligible for a Federal Pell Grant in an amount that is equal to or greater than five percent of such level but less than ten percent of such level shall be awarded a Federal Pell grant in the amount of ten percent of such level.

(5)(A) The Secretary shall award a student not more than two Federal Pell Grants during a single award year to permit such student to accelerate the student's progress toward a degree or certificate if the student is enrolled—

(i) on at least a half-time basis for a period of more than one academic year, or more than two semesters or an equivalent period of time, during a single award year; and

(ii) in a program of instruction at an institution of higher education for which the institution awards an associate or baccalaureate degree or a certificate.

(B) In the case of a student receiving more than one Federal Pell Grant in a single award year under subparagraph (A), the total amount of Federal Pell Grants awarded to such student for the award year may exceed the maximum basic grant level specified in the appropriate appropriations Act for such award year.

(6) Notwithstanding any other provision of this subpart, the Secretary shall allow the amount of the Federal Pell Grant to be exceeded for students participating in a program of study abroad approved for credit by the institution at which the student is enrolled when the reasonable costs of such program are greater than the cost of attendance at the student's home institution, except that the amount of such Federal Pell Grant in any fiscal year shall not exceed the grant level specified in the appropriate Appropriation Act for this subpart for such year. If the preceding sentence applies, the financial aid administrator at the home institution may use the cost of the study abroad program, rather than the home institution's cost, to determine the cost of attendance of the student.

(7) No Federal Pell Grant shall be awarded under this subpart to any individual who is incarcerated in any Federal or State penal institution or who is subject to an involuntary civil commitment upon completion of a period of incarceration for a forcible or nonforcible sexual offense (as determined in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program).

(8) ADDITIONAL FUNDS.—

(A) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, to carry out subparagraph (B) of this paragraph (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated) the following amounts—

(i) $2,030,000,000 for fiscal year 2008;
(ii) $2,090,000,000 for fiscal year 2009;
(iii) $3,030,000,000 for fiscal year 2010;
(iv) $3,090,000,000 for fiscal year 2011;
(v) $5,050,000,000 for fiscal year 2012;
(vi) $105,000,000 for fiscal year 2013;
(vii) $4,305,000,000 for fiscal year 2014;
(viii) $4,400,000,000 for fiscal year 2015;
(ix) $4,600,000,000 for fiscal year 2016; and
(x) $4,900,000,000 for fiscal year 2017.

(B) INCREASE IN FEDERAL PELL GRANTS.—The amounts made available pursuant to subparagraph (A) of this paragraph shall be used to increase the amount of the maximum Federal Pell Grant for which a student shall be eligible during an award year, as specified in the last enacted appropriation Act applicable to that award year, by—

(i) $490 for each of the award years 2008–2009 and 2009–2010;

(ii) $690 for each of the award years 2010–2011 and 2011–2012; and

(iii) $1,090 for award year 2012–2013.

(C) ELIGIBILITY.—The Secretary shall only award an increased amount of a Federal Pell Grant under this section for any award year pursuant to the provisions of this paragraph to students who qualify for a Federal Pell Grant award under the maximum grant award enacted in the annual appropriation Act for such award year without regard to the provisions of this paragraph.

(D) PROGRAM REQUIREMENTS AND OPERATIONS OTHERWISE UNAFFECTED.—Except as provided in subparagraphs (B) and (C), nothing in this paragraph shall be construed to alter the requirements and operations of the Federal Pell Grant Program as authorized under this section, or authorize the imposition of additional requirements or operations for the determination and allocation of Federal Pell Grants under this section.

(E) RATABLE INCREASES AND DECREASES.—The amounts specified in subparagraph (B) shall be ratably increased or decreased to the extent that funds available under subparagraph (A) exceed or are less than (respectively) the amount required to provide the amounts specified in subparagraph (B).

(F) AVAILABILITY OF FUNDS.—The amounts made available by subparagraph (A) for any fiscal year shall be available beginning on October 1 of that fiscal year, and shall remain available through September 30 of the succeeding fiscal year.

(c) Period of eligibility for grants

(1) The period during which a student may receive Federal Pell Grants shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance except that

any period during which the student is enrolled in a noncredit or remedial course of study as defined in paragraph (2) shall not be counted for the purpose of this paragraph.

(2) Nothing in this section shall exclude from eligibility courses of study which are noncredit or remedial in nature (including courses in English language instruction) which are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to utilize already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

(3) No student is entitled to receive Pell Grant payments concurrently from more than one institution or from the Secretary and an institution.

(4) Notwithstanding paragraph (1), the Secretary may allow, on a case-by-case basis, a student to receive a Federal Pell Grant if the student—

(A) is carrying at least one-half the normal full-time work load for the course of study the student is pursuing, as determined by the institution of higher education; and

(B) is enrolled or accepted for enrollment in a postbaccalaureate program that does not lead to a graduate degree, and in courses required by a State in order for the student to receive a professional certification or licensing credential that is required for employment as a teacher in an elementary school or secondary school in that State,

except that this paragraph shall not apply to a student who is enrolled in an institution of higher education that offers a baccalaureate degree in education.

(5) The period during which a student may receive Federal Pell Grants shall not exceed 18 semesters, or the equivalent of 18 semesters, as determined by the Secretary by regulation. Such regulations shall provide, with respect to a student who received a Federal Pell Grant for a term but was enrolled at a fraction of full-time, that only that same fraction of such semester or equivalent shall count towards such duration limits. The provisions of this paragraph shall apply only to a student who receives a Federal Pell Grant for the first time on or after July 1, 2008.

(d) Applications for grants

(1) The Secretary shall from time to time set dates by which students shall file applications for Federal Pell Grants under this subpart.

(2) Each student desiring a Federal Pell Grant for any year shall file an application therefor containing such information and assurances as the Secretary may deem necessary to enable the Secretary to carry out the functions and responsibilities of this subpart.

(e) Distribution of grants to students

Payments under this section shall be made in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purpose of this section. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees and, in the case of institutionally owned housing, room and board. The student may elect to have the institution provide other such goods and services by crediting the student's account.

(f) Calculation of eligibility

(1) Each contractor processing applications for awards under this subpart (including a central processor, if any, designated by the Secretary) shall, in a timely manner, furnish to the student financial aid administrator (at each institution of higher education which a student awarded a Federal Pell Grant under this subpart is attending), as a part of its regular output document, the expected family contribution for each such student. Each such student financial aid administrator shall—

(A) examine and assess the data used to calculate the expected family contribution of the student furnished pursuant to this subsection;

(B) recalculate the expected family contribution of the student if there has been a change in circumstances of the student or in the data submitted;

(C) make the award to the student in the correct amount; and

(D) after making such award report the corrected data to such contractor and to a central processor (if any) designated by the Secretary for a confirmation of the correct computation of amount of the expected family contribution for each such student.

(2) Whenever a student receives an award under this subpart that, due to recalculation errors by the institution of higher education, is in excess of the amount which the student is entitled to receive under this subpart, such institution of higher education shall pay to the Secretary the amount of such excess unless such excess can be resolved in a subsequent disbursement to the institution.

(3) Each contractor processing applications for awards under this subpart shall for each academic year after academic year 1986–1987 prepare and submit a report to the Secretary on the correctness of the computations of amount of the expected family contribution, and on the accuracy of the questions on the application form under this subpart for the previous academic year for which the contractor is responsible. The Secretary shall transmit the report, together with the comments and recommendations of the Secretary, to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees.

(4)(A) Notwithstanding paragraph (1) or any other provision of this section, the expected family contribution of each student described in subparagraph (B) shall be deemed to be zero for the period during which each such student is eligible to receive a Federal Pell Grant under subsection (c).

(B) Subparagraph (A) shall apply to any student at an institution of higher education—

(i) whose parent or guardian was a member of the Armed Forces of the United States who

died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

(ii) who was less than 24 years of age, or was enrolled as a full-time or part-time student at an institution of higher education, as of the time of the parent or guardian's death.

(C) Notwithstanding any other provision of law, the Secretary of Veterans Affairs and the Secretary of Defense, as appropriate, shall provide the Secretary of Education with information necessary to determine which students meet the requirements of subparagraph (B).

(g) Insufficient appropriations

If, for any fiscal year, the funds appropriated for payments under this subpart are insufficient to satisfy fully all entitlements, as calculated under subsection (b) of this section (but at the maximum grant level specified in such appropriation), the Secretary shall promptly transmit a notice of such insufficiency to each House of the Congress, and identify in such notice the additional amount that would be required to be appropriated to satisfy fully all entitlements (as so calculated at such maximum grant level).

(h) Use of excess funds

(1) If, at the end of a fiscal year, the funds available for making payments under this subpart exceed the amount necessary to make the payments required under this subpart to eligible students by 15 percent or less, then all of the excess funds shall remain available for making payments under this subpart during the next succeeding fiscal year.

(2) If, at the end of a fiscal year, the funds available for making payments under this subpart exceed the amount necessary to make the payments required under this subpart to eligible students by more than 15 percent, then all of such funds shall remain available for making such payments but payments may be made under this paragraph only with respect to entitlements for that fiscal year.

(i) Treatment of institutions and students under other laws

Any institution of higher education which enters into an agreement with the Secretary to disburse to students attending that institution the amounts those students are eligible to receive under this subpart shall not be deemed, by virtue of such agreement, a contractor maintaining a system of records to accomplish a function of the Secretary. Recipients of Pell Grants shall not be considered to be individual grantees for purposes of subtitle D of title V of Public Law 100–690 [41 U.S.C. 701 et seq.].

(j) Institutional ineligibility based on default rates

(1) In general

No institution of higher education shall be an eligible institution for purposes of this subpart if such institution of higher education is ineligible to participate in a loan program under part B or C of this subchapter as a result of a final default rate determination made by the Secretary under part B or C of this subchapter after the final publication of cohort default rates for fiscal year 1996 or a succeeding fiscal year.

(2) Sanctions subject to appeal opportunity

No institution may be subject to the terms of this subsection unless the institution has had the opportunity to appeal the institution's default rate determination under regulations issued by the Secretary for the loan program authorized under part B or C of this subchapter, as applicable. This subsection shall not apply to an institution that was not participating in the loan program authorized under part B or C of this subchapter on October 7, 1998, unless the institution subsequently participates in the loan programs.

(Pub. L. 89–329, title IV, §401, formerly §411, as added Pub. L. 99–498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1309; amended Pub. L. 100–50, §3(a), June 3, 1987, 101 Stat. 337; renumbered §401 and amended Pub. L. 102–325, title IV, §§401(a)–(h), 402(a)(3), July 23, 1992, 106 Stat. 479–482; Pub. L. 103–208, §2(b)(1)–(5), (k)(1), Dec. 20, 1993, 107 Stat. 2458, 2485; Pub. L. 103–322, title II, §20411(a), Sept. 13, 1994, 108 Stat. 1828; Pub. L. 105–244, title IV, §401(a)–(f), (g)(3), (4), Oct. 7, 1998, 112 Stat. 1650–1652; Pub. L. 110–84, title I, §§101(a), 102, Sept. 27, 2007, 121 Stat. 784; Pub. L. 110–315, title I, §103(b)(3), title IV, §401(a)(1), (b), (c)(1), Aug. 14, 2008, 122 Stat. 3088, 3188, 3189.)

REFERENCES IN TEXT

Section 1070 of this title, referred to in subsec. (b)(1), was in the original a reference to section 401, meaning section 401 of the Higher Education Act of 1965, Pub. L. 89–329. Sections 401 and 411 of that Act were renumbered as sections 400 and 401, respectively, by Pub. L. 102–325, title IV, §402(a)(3), July 23, 1992, 106 Stat. 482, and are classified to sections 1070 and 1070a of this title, respectively.

Subtitle D of title V of Public Law 100–690, referred to in subsec. (i), is subtitle D (§§5151–5160) of title V of Pub. L. 100–690, Nov. 18, 1988, 102 Stat. 4304, commonly known as the Drug-Free Workplace Act of 1988, which is classified generally to chapter 10 (§701 et seq.) of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 41 and Tables.

PRIOR PROVISIONS

A prior section 1070a, Pub. L. 89–329, title IV, §411, as added Pub. L. 92–318, title I, §131(b)(1), June 23, 1972, 86 Stat. 248; amended Pub. L. 94–328, §2(f), June 30, 1976, 90 Stat. 727; Pub. L. 94–482, title I, §121(a), (b)(1), (c)–(i), Oct. 12, 1976, 90 Stat. 2091–2093; Pub. L. 95–43, §1(a)(5), June 15, 1977, 91 Stat. 213; Pub. L. 95–566, §2, Nov. 1, 1978, 92 Stat. 2402; Pub. L. 96–49, §5(a)(1), (2)(A), Aug. 13, 1979, 93 Stat. 351; Pub. L. 96–374, title IV, §402, title XIII, §1391(a)(1), Oct. 3, 1980, 94 Stat. 1401, 1503; Pub. L. 97–301, §8(a), Oct. 13, 1982, 96 Stat. 1402, related to basic educational opportunity grants, amount and determinations, and applications, prior to the general revision of this part by Pub. L. 99–498.

A prior section 401 of Pub. L. 89–329 was renumbered section 400 by section 402(a)(3) of Pub. L. 102–325 and is classified to section 1070 of this title.

Another prior section 401 of Pub. L. 89–329, title IV, 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, which stated purpose of program of grants to students in attendance at institutions of higher education, was classified to section 1070 of this title, prior to the general revision of this part by Pub. L. 99–498.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110–315, §401(a)(1)(B), which directed amendment of subsec. (b) by designating the

pars. following par. (2), in the order in which such pars. appear, as pars. (3) through (8), was a technical correction to sequence of amendments by Pub. L. 110–84 and required no change in text. See 2007 Amendment notes below.

Subsec. (b)(2)(A). Pub. L. 110–315, § 401(a)(1)(A), amended subpar. (A) generally, substituting Pell Grant amounts for academic years 2009 to 2015 for amounts for academic years 1999 to 2004.

Subsec. (b)(4). Pub. L. 110–315, § 401(a)(1)(C), substituted ''ten percent of the maximum basic grant level specified in the appropriate appropriation Act for such academic year, except that a student who is eligible for a Federal Pell Grant in an amount that is equal to or greater than five percent of such level but less than ten percent of such level shall be awarded a Federal Pell grant in the amount of ten percent of such level'' for ''$400, except that a student who is eligible for a Federal Pell Grant that is equal to or greater than $200 but less than $400 shall be awarded a Federal Pell Grant of $400''.

Subsec. (b)(5). Pub. L. 110–315, § 401(a)(1)(D), added par. (5) and struck out former par. (5) which read: ''The Secretary may allow, on a case-by-case basis, a student to receive 2 Pell grants during a single award year, if—

''(i) the student is enrolled full-time in an associate or baccalaureate degree program of study that is 2 years or longer at an eligible institution that is computed in credit hours; and

''(ii) the student completes course work toward completion of an associate or baccalaureate degree that exceeds the requirements for a full academic year as defined by the institution.

''(B) The Secretary shall promulgate regulations implementing this paragraph.''

Subsec. (b)(7). Pub. L. 110–315, § 401(a)(1)(E), inserted before period at end ''or who is subject to an involuntary civil commitment upon completion of a period of incarceration for a forcible or nonforcible sexual offense (as determined in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program)''.

Subsec. (b)(8)(D). Pub. L. 110–315, § 401(a)(1)(F)(i), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows:

''(D) FORMULA OTHERWISE UNAFFECTED.—Except as provided in subparagraphs (B) and (C), nothing in this paragraph shall be construed to alter the requirements of this section, or authorize the imposition of additional requirements, for the determination and allocation of Federal Pell Grants under this section.''

Subsec. (b)(8)(F). Pub. L. 110–315, § 401(a)(1)(F)(ii), amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows:

''(F) USE OF FISCAL YEAR FUNDS FOR AWARD YEARS.—The amounts made available by subparagraph (A) for any fiscal year shall be available and remain available for use under subparagraph (B) for the award year that begins in such fiscal year.''

Subsec. (c)(5). Pub. L. 110–315, § 401(b), added par. (5).

Subsec. (f)(3). Pub. L. 110–315, § 103(b)(3), substituted ''to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees'' for ''to the Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives''.

Subsec. (f)(4). Pub. L. 110–315, § 401(c)(1), added par. (4).

2007—Subsec. (a)(1). Pub. L. 110–84, § 102(a), substituted ''fiscal year 2017'' for ''fiscal year 2004''.

Subsec. (b)(3) to (7). Pub. L. 110–84, § 101(a), redesignated pars. (4) to (8) as (3) to (7), respectively, and struck out former par. (3) which related to the amount of a student's basic grant for any academic year for which an appropriation Act provided a maximum basic grant of more than $2,700.

Subsec. (b)(8). Pub. L. 110–84, § 101(a)(2), which directed redesignation of par. (9) as (8), was executed by redesignating the par. (9) enacted by Pub. L. 110–84, § 102(b), as (8) to reflect the probable intent of Congress. See below. Former par. (8) redesignated (7).

Subsec. (b)(9). Pub. L. 110–84, § 102(b), added par. (9).

1998—Pub. L. 105–244, § 401(g)(3)(A), substituted ''Federal Pell'' for ''Basic educational opportunity'' in section catchline.

Subsec. (a)(1). Pub. L. 105–244, § 401(g)(3)(C), substituted ''Federal Pell Grant'' for ''basic grant''.

Pub. L. 105–244, § 401(a), substituted ''For each fiscal year through fiscal year 2004, the Secretary shall'' for ''The Secretary shall, during the period beginning July 1, 1972, and ending September 30, 1998,'' and inserted ''until such time as the Secretary determines and publishes in the Federal Register with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner,'' after ''pay eligible students''.

Subsec. (a)(3). Pub. L. 105–244, § 401(g)(3)(B), substituted ''Grants made'' for ''Basic grants made''.

Subsec. (b)(1). Pub. L. 105–244, § 401(g)(3)(C), substituted ''Federal Pell Grant'' for ''basic grant''.

Subsec. (b)(2)(A). Pub. L. 105–244, § 401(b), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''The amount of the basic grant for a student eligible under this part shall be—

''(i) $3,700 for academic year 1993–1994,

''(ii) $3,900 for academic year 1994–1995,

''(iii) $4,100 for academic year 1995–1996,

''(iv) $4,300 for academic year 1996–1997, and

''(v) $4,500 for academic year 1997–1998,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.''

Subsec. (b)(2)(B). Pub. L. 105–244, § 401(g)(3)(C), substituted ''Federal Pell Grant'' for ''basic grant''.

Subsec. (b)(3). Pub. L. 105–244, § 401(c), amended par. (3) generally. Prior to amendment, par. (3) read as follows:

''(3)(A) For any academic year for which an appropriation Act provides a maximum basic grant in an amount in excess of $2,400, the amount of a student's basic grant shall equal $2,400 plus—

''(i) one-half of the amount by which such maximum basic grant exceeds $2,400; plus

''(ii) the lesser of—

''(I) the remaining one-half of such excess; or

''(II) the sum of the student's tuition and the student's allowance determined under subparagraph (B), if applicable.

''(B) For purposes of subparagraph (A)(ii)(II), a student's allowance is $750 if the student has dependent care expenses (as defined in section 1087*ll*(8) of this title) or disability related expenses (as defined in section 1087*ll*(9) of this title).''

Subsec. (b)(4), (5). Pub. L. 105–244, § 401(g)(3)(C), substituted ''Federal Pell Grant'' for ''basic grant'' wherever appearing.

Subsec. (b)(6). Pub. L. 105–244, § 401(d), designated existing provisions as subpar. (A), redesignated former subpars. (A) and (B) as cls. (i) and (ii), respectively, and added subpar. (B).

Subsec. (b)(7), (8). Pub. L. 105–244, § 401(g)(3)(C), substituted ''Federal Pell Grant'' for ''basic grant'' wherever appearing.

Subsec. (c)(1). Pub. L. 105–244, § 401(g)(3)(D), substituted ''Federal Pell Grants'' for ''basic grants''.

Subsec. (c)(4). Pub. L. 105–244, § 401(g)(3)(C), substituted ''Federal Pell Grant'' for ''basic grant'' in introductory provisions.

Pub. L. 105–244, § 401(e), added par. (4).

Subsec. (d)(1). Pub. L. 105–244, § 401(g)(3)(D), substituted ''Federal Pell Grants'' for ''basic grants''.

Subsecs. (d)(2), (f)(1). Pub. L. 105–244, § 401(g)(3)(C), substituted ''Federal Pell Grant'' for ''basic grant''.

Subsec. (f)(3). Pub. L. 105–244, § 401(g)(4), substituted ''Education and the Workforce'' for ''Education and Labor''.

Subsec. (j). Pub. L. 105–244, § 401(f), added subsec. (j).

1994—Subsec. (b)(8). Pub. L. 103–322 amended par. (8) generally. Prior to amendment, par. (8) read as follows:

''(8)(A) No basic grant shall be awarded to an incarcerated student under this subpart that exceeds the sum of the amount of tuition and fees normally assessed by the institution of higher education for the course of study such student is pursuing plus an allowance (determined in accordance with regulations issued by the Secretary) for books and supplies associated with such course of study, except that no basic grant shall be awarded to any incarcerated student serving under sentence of death or any life sentence without eligibility for parole or release.

''(B) Basic grants under this subpart shall only be awarded to incarcerated individuals in a State if such grants are used to supplement and not supplant the level of postsecondary education assistance provided by such State to incarcerated individuals in fiscal year 1988.''

1993—Subsec. (a)(1). Pub. L. 103–208, §2(b)(1), inserted before period at end of second sentence '', except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment''.

Subsec. (b)(2)(B). Pub. L. 103–208, §2(k)(1), amended directory language of Pub. L. 102–325, §401(d)(2)(A). See 1992 Amendment note below.

Subsec. (b)(6). Pub. L. 103–208, §2(b)(2)–(4), substituted ''single award year'' for ''single 12-month period'' in introductory provisions, ''an associate or baccalaureate'' for ''a baccalaureate'' in subpar. (A), and ''an associate or baccalaureate'' for ''a bachelor's'' in subpar. (B).

Subsec. (i). Pub. L. 103–208, §2(b)(5), substituted ''subtitle D of title V'' for ''part D of title V''.

1992—Subsec. (a)(1). Pub. L. 102–325, §401(a), substituted ''September 30, 1998'' for ''September 30, 1992'' and ''subsection (b) of this section'' for ''paragraph (2)''.

Subsec. (a)(3). Pub. L. 102–325, §401(b), substituted ''Federal Pell Grants'' for ''Pell Grants''.

Subsec. (b)(1). Pub. L. 102–325, §401(c), struck out ''(A) as determined under paragraph (2), will meet 60 percent of a student's cost of attendance (as defined in section 1070a–6 of this title); and (B)'' after ''basic grant that'' and substituted ''family and student'' for ''parental or independent student'', ''subparts 3 and 4'' for ''subparts 2 and 3'', and ''will meet at least 75 percent'' for ''will meet 75 percent''.

Subsec. (b)(2)(A)(i) to (v). Pub. L. 102–325, §401(d)(1), added cls. (i) to (v) and struck out former cls. (i) to (v) which read as follows:

''(i) $2,300 for academic year 1987–1988,

''(ii) $2,500 for academic year 1988–1989,

''(iii) $2,700 for academic year 1989–1990,

''(iv) $2,900 for academic year 1990–1991, and

''(v) $3,100 for academic year 1991–1992,''.

Subsec. (b)(2)(B). Pub. L. 102–325, §401(d)(2)(A), as amended by Pub. L. 103–208, §2(k)(1), inserted ''(including a student who attends an institution of higher education on less than a half-time basis)'' in first sentence after ''full-time basis'' the first time appearing.

Pub. L. 102–325, §401(d)(2)(B), inserted '', computed in accordance with this subpart'' before period at end of first sentence.

Subsec. (b)(3). Pub. L. 102–325, §401(d)(3), amended par. (3) generally. Prior to amendment, par. (3) read as follows: ''The amount of a basic grant to which a student is entitled under this subpart for any academic year shall not exceed 60 percent of the cost of attendance (as defined in section 1070a–6 of this title) at the institution at which the student is in attendance for that year.''

Subsec. (b)(4). Pub. L. 102–325, §401(d)(4), substituted ''section 1087*ll*'' for ''section 1070a–6''.

Subsec. (b)(5). Pub. L. 102–325, §401(d)(5), substituted ''$400, except that a student who is eligible for a basic grant that is equal to or greater than $200 but less than $400 shall be awarded a basic grant of $400'' for ''$200''.

Subsec. (b)(6) to (8). Pub. L. 102–325, §401(d)(6), added pars. (6) to (8) and struck out former pars. (6) and (7) which limited or prohibited basic grants from funds appropriated for fiscal years prior to 1992 to students attending on a less than half-time basis.

Subsec. (c)(1). Pub. L. 102–325, §401(e)(1), substituted ''any period during which the student is enrolled in a noncredit or remedial course of study as defined in paragraph (2) shall not be counted for the purpose of this paragraph.'' for ''—

''(A) such period may not exceed the full-time equivalent of—

''(i) 5 academic years in the case of an undergraduate degree or certificate program normally requiring 4 years or less;

''(ii) 6 academic years in the case of an undergraduate degree or certificate program normally requiring more than 4 years;

''(B) any period during which the student is enrolled in a noncredit or remedial course of study as defined in paragraph (2) shall not be counted for the purpose of subparagraph (A); and

''(C) an institution of higher education at which the student is in attendance may waive subparagraph (A) for undue hardship based on—

''(i) the death of a relative of the student;

''(ii) the personal injury or illness of the student; or

''(iii) special circumstances as determined by the institution.''

Subsec. (c)(2). Pub. L. 102–325, §401(e)(2), inserted at end ''Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.''

Subsec. (f)(1). Pub. L. 102–325, §401(f)(1), substituted '', as a part of its regular output document, the expected family contribution'' for ''an estimate of the eligibility index'' in introductory provisions and ''expected family contribution'' for ''eligibility index'' in subpars. (A), (B), and (D).

Subsec. (f)(3). Pub. L. 102–325, §401(f)(2), substituted ''expected family contribution'' for ''eligibility index''.

Subsec. (g). Pub. L. 102–325, §401(g), struck out ''Adjustments for'' before ''insufficient appropriations'' in heading and amended text generally. Prior to amendment, text read as follows:

''(1) If, for any fiscal year, the funds appropriated for payments under this subpart are insufficient to satisfy fully all entitlements, as calculated under subsection (b) of this section, the amount paid with respect to each entitlement shall be—

''(A) the full amount for any student whose expected family contribution is $200 or less, or

''(B) a percentage of that entitlement, as determined in accordance with a schedule of reductions established by the Secretary for this purpose, for any student whose expected family contribution is more than $200.

''(2) Any schedule established by the Secretary for the purpose of paragraph (1)(B) of this subsection shall contain a single linear reduction formula in which the percentage reduction increases uniformly as the entitlement decreases, and shall provide that if an entitlement is reduced to less than $100, no payment shall be made.''

Subsec. (i). Pub. L. 102–325, §401(h), substituted ''Treatment of institutions and students under other laws'' for ''Noncontractor status of institutions'' in heading and inserted at end of text ''Recipients of Pell Grants shall not be considered to be individual grantees for purposes of part D of title V of Public Law 100–690.''

1987—Subsec. (g)(2). Pub. L. 100–50 substituted ''paragraph (1)(B)'' for ''paragraph (1)''.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–315, title IV, §401(a)(2), Aug. 14, 2008, 122 Stat. 3189, provided that:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by paragraph (1) [amending this section] shall take effect on July 1, 2009.

''(B) SPECIAL RULE.—The amendments made by subparagraph (F) of paragraph (1) [amending this section] shall take effect on the date of enactment of this Act [Aug 14, 2008].''

Pub. L. 110–315, title IV, § 401(c)(2), Aug. 14, 2008, 122 Stat. 3190, provided that: ''The amendment made by paragraph (1) [amending this section] shall take effect on July 1, 2009.''

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110–84, § 1(c), Sept. 27, 2007, 121 Stat. 784, provided that: ''Except as otherwise expressly provided, the amendments made by this Act [enacting subpart 9 of this part and sections 1098e, 1098f, 1099d, 1099e, and 1141 of this title, amending this section and sections 1070a–13, 1077a, 1078, 1078–3, 1085, 1087–1, 1087e, 1087h, 1087dd, 1087ff, 1087*oo* to 1087tt, and 1087vv of this title, repealing section 1078–9 of this title, and amending provisions set out as a note under section 1078 of this title] shall be effective on October 1, 2007.''

Pub. L. 110–84, title I, § 101(b), Sept. 27, 2007, 121 Stat. 784, provided that: ''The amendments made by subsection (a) [amending this section] shall be effective with respect to determinations of Federal Pell Grant amounts for award years beginning on or after July 1, 2007.''

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 1994 AMENDMENT

Section 20411(b) of Pub. L. 103–322 provided that: ''The amendment made by this section [amending this section] shall apply with respect to periods of enrollment beginning on or after the date of enactment of this Act [Sept. 13, 1994].''

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 2(b)(1), (3)–(5), (k)(1) of Pub. L. 103–208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102–325, and amendment by section 2(b)(2) of Pub. L. 103–208 effective on and after Dec. 20, 1993, see section 5(a), (b)(2) of Pub. L. 103–208, set out as a note under section 1051 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 410 of Pub. L. 102–325 provided that: ''The changes made in part A of title IV of the Act [20 U.S.C. 1070 et seq.] by the amendments made by this part [part A (§§ 401–410) of title IV of Pub. L. 102–325, see Tables for classification] shall take effect on the date of enactment of this Act [July 23, 1992], except—

''(1) as otherwise provided in such part A;

''(2) that the changes made in section 411 [this section], relating to Pell Grants, shall apply to the awarding of Pell Grants for periods of enrollment beginning on or after July 1, 1993; and

''(3) that the changes in section 413C(a)(2) [20 U.S.C. 1070b–2(a)(2)], relating to the Federal share for the supplemental educational opportunity grant program, shall apply to funds provided for such program for the award years beginning on or after July 1, 1993.''

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.

EFFECTIVE DATE

Section effective Oct. 17, 1986, except as otherwise provided, see section 2 of Pub. L. 99–498, set out as a note under section 1001 of this title.

Section 401(b)(3), (4) of Pub. L. 99–498 provided that:

''(3) Section 411(c) of the Act [20 U.S.C. 1070a(c)] as amended by this section shall apply only to individuals who receive a Pell Grant for the first time for a period of enrollment beginning on or after July 1, 1987.

''(4) Section 411(f) of the Act [20 U.S.C. 1070a(f)] as amended by this section shall apply to the awarding of Pell Grants for periods of enrollment beginning on or after July 1, 1987.''

STUDY OF PELL GRANT ELIGIBILITY FOR LESS THAN HALF-TIME STUDENTS

Section 1306 of Pub. L. 99–498 directed Secretary to conduct a study and report to Congress not later than Sept. 30, 1988, on the number of less than half-time students who would be eligible for Pell grants by reason of having an expected family contribution of $0 and of $0–$200 for the appropriate academic years, prior to repeal by Pub. L. 105–332, § 6(a), Oct. 31, 1998, 112 Stat. 3127.

MAXIMUM PELL GRANTS

Provisions limiting the maximum Pell grant that a student may receive were contained in the following appropriation acts:

Pub. L. 110–161, div. G, title III, Dec. 26, 2007, 121 Stat. 2195.

Pub. L. 109–289, div. B, title II, § 20633(b), as added by Pub. L. 110–5, § 2, Feb. 15, 2007, 121 Stat. 36.

Pub. L. 109–149, title III, Dec. 30, 2005, 119 Stat. 2868.

Pub. L. 108–447, div. F, title III, Dec. 8, 2004, 118 Stat. 3148.

Pub. L. 108–199, div. E, title III, Jan. 23, 2004, 118 Stat. 261.

Pub. L. 108–7, div. G, title III, Feb. 20, 2003, 117 Stat. 330.

Pub. L. 107–116, title III, Jan. 10, 2002, 115 Stat. 2205.

Pub. L. 106–554, § 1(a)(1) [title III], Dec. 21, 2000, 114 Stat. 2763, 2763A–37.

Pub. L. 106–113, div. B, § 1000(a)(4) [title III], Nov. 29, 1999, 113 Stat. 1535, 1501A–251.

Pub. L. 105–277, div. A, § 101(f) [title III], Oct. 21, 1998, 112 Stat. 2681–337, 2681–369.

Pub. L. 105–78, title III, Nov. 13, 1997, 111 Stat. 1501.

Pub. L. 104–208, div. A, title I, § 101(e) [title III], Sept. 30, 1996, 110 Stat. 3009–233, 3009–257.

Pub. L. 104–134, title I, § 101(d) [title III], Apr. 26, 1996, 110 Stat. 1321–211, 1321–232; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 104–99, title I, § 119, Jan. 26, 1996, 110 Stat. 30, prior to repeal by Pub. L. 104–134, title I, § 101(d) [title V, § 518], Apr. 26, 1996, 110 Stat. 1321–211, 1321–248; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 103–333, title III, Sept. 30, 1994, 108 Stat. 2564.

Pub. L. 103–112, title III, Oct. 21, 1993, 107 Stat. 1104.

Pub. L. 102–394, title III, Oct. 6, 1992, 106 Stat. 1816.

Pub. L. 102–170, title III, Nov. 26, 1991, 105 Stat. 1131.

Pub. L. 101–517, title III, Nov. 5, 1990, 104 Stat. 2212.

Pub. L. 101–166, title III, Nov. 21, 1989, 103 Stat. 1182.

Pub. L. 100–436, title III, Sept. 20, 1988, 102 Stat. 1704.

Pub. L. 100–202, § 101(h) [title III], Dec. 22, 1987, 101 Stat. 1329–256, 1329–279.

§ 1070a–1. Academic competitiveness grants

(a) Academic competitiveness grant program authorized

The Secretary shall award grants, in the amounts specified in subsection (d)(1), to eligible students to assist the eligible students in paying their college education expenses.

(b) Designation

A grant under this section—

(1) for the first or second year of a program of undergraduate education shall be known as an ''Academic Competitiveness Grant''; and

(2) for the third, fourth, or fifth year of a program of undergraduate education shall be known as a ''National Science and Mathematics Access to Retain Talent Grant'' or a ''National SMART Grant''.