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SUBCHAPTER I—GENERAL PROVISIONS

CODIFICATION

Title I of the Higher Education Act of 1965, comprising this subchapter, was originally enacted by Pub. L. 89-329, title I, Nov. 8, 1965, 79 Stat. 1219, and amended by Pub. L. 90-575, Oct. 16, 1968, 82 Stat. 1014; Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 121; Pub. L. 92-318, June 23, 1972, 86 Stat. 235; Pub. L. 93-29, May 3, 1973, 87 Stat. 30; Pub. L. 93-380, Aug. 21, 1974, 88 Stat. 484; Pub. L. 93-644, Jan. 4, 1975, 88 Stat. 2291; Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 713; Pub. L. 94-482, Oct. 12, 1976, 90 Stat. 2081; Pub. L. 95-43, June 15, 1977, 91 Stat. 213; Pub. L. 96-49, Aug. 13, 1979, 93 Stat. 351; Pub. L. 96-96, Oct. 31, 1979, 93 Stat. 729; Pub. L. 96-374, Oct. 3, 1980, 94 Stat. 1367; Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322; Pub. L. 98-524, Oct. 19, 1984, 98 Stat. 2435; Pub. L. 99-386, Aug. 22, 1986, 100 Stat. 821; Pub. L. 99-498, Oct. 17, 1986, 100 Stat. 1268; Pub. L. 100-418, Aug. 23, 1988, 102 Stat. 1107; Pub. L. 101-305, May 30, 1990, 104 Stat. 253; Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127; Pub. L. 102-54, June 13, 1991, 105 Stat. 267; Pub. L. 102-325, July 23, 1992, 106 Stat. 448; Pub. L. 103-208, Dec. 20, 1993, 107 Stat. 2457. Such title is shown herein, however, as having been added by Pub. L. 105-244, title I, §101(a), Oct. 7, 1998, 112 Stat. 1585, without reference to such intervening amendments because of the extensive revision of the title's provisions by Pub. L. 105-244.

PART A—DEFINITIONS

§ 1001. General definition of institution of higher education

(a) Institution of higher education

For purposes of this chapter, other than subchapter IV, the term “institution of higher edu-

cation” means an educational institution in any State that—

(1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who meet the requirements of section 1091(d) of this title;

(2) is legally authorized within such State to provide a program of education beyond secondary education;

(3) provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary;

(4) is a public or other nonprofit institution; and

(5) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

(b) Additional institutions included

For purposes of this chapter, other than subchapter IV, the term “institution of higher education” also includes—

(1) any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (1), (2), (4), and (5) of subsection (a) of this section; and

(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students individuals—

(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

(B) who will be dually or concurrently enrolled in the institution and a secondary school.

(c) List of accrediting agencies

For purposes of this section and section 1002 of this title, the Secretary shall publish a list of nationally recognized accrediting agencies or associations that the Secretary determines, pursuant to subpart 2 of part G of subchapter IV of this chapter, to be reliable authority as to the quality of the education or training offered.

(Pub. L. 89-329, title I, §101, as added Pub. L. 105-244, title I, §101(a), Oct. 7, 1998, 112 Stat. 1585; amended Pub. L. 110-315, title I, §101(a), Aug. 14, 2008, 122 Stat. 3083; Pub. L. 112-74, div. F, title III, § 309(c)(3), Dec. 23, 2011, 125 Stat. 1101.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1141(a) of this title prior to repeal by Pub. L. 105-244.

A prior section 1001, Pub. L. 89-329, title I, §101, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 459, related to purposes of school, college, and university partnership grant program, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1001, Pub. L. 89-329, title I, §101, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1278, related to Congressional findings, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1001, Pub. L. 89-329, title I, §101, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1373, stated Congressional findings with respect to continuing postsecondary education program and planning, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1001, Pub. L. 89-329, title I, §101, Nov. 8, 1965, 79 Stat. 1219; Pub. L. 90-575, title II, §201, Oct. 16, 1968, 82 Stat. 1035; Pub. L. 92-318, title I, §101(a), June 23, 1972, 86 Stat. 236; Pub. L. 94-482, title I, §101(a), Oct. 12, 1976, 90 Stat. 2083; Pub. L. 96-49, §2, Aug. 13, 1979, 93 Stat. 351, authorized appropriations for the community service, continuing education, and lifelong learning program grant programs through fiscal year 1980, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 112-74 substituted “section 1091(d)” for “section 1091(d)(3)”.

2008—Subsec. (a)(1). Pub. L. 110-315, §101(a)(1)(A), inserted “, or persons who meet the requirements of section 1091(d)(3) of this title” before semicolon at end.

Subsec. (a)(3). Pub. L. 110-315, §101(a)(1)(B), inserted “, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary” before semicolon at end.

Subsec. (b)(2). Pub. L. 110-315, §101(a)(2), added par. (2) and struck out former par. (2) which read as follows: “a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1) of this section, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.”

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-74, div. F, title III, §309(g), Dec. 23, 2011, 125 Stat. 1103, provided that: “The amendments made by subsections (a), (b), and (c) [amending this section and sections 1070a, 1087ss, and 1091 of this title, and enacting provisions set out as a note under section 1091 of this title] shall take effect on July 1, 2012.”

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-39, §3, July 1, 2009, 123 Stat. 1935, provided that: “Except as otherwise provided in this Act [see Tables for classification], the amendments made by this Act shall take effect as if enacted on the date of enactment of the Higher Education Opportunity Act (Public Law 110-315) [Aug. 14, 2008].”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-315, §3, Aug. 14, 2008, 122 Stat. 3083, provided that: “Except as otherwise provided in this Act [see Tables for classification] or the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act [Aug. 14, 2008].”

Pub. L. 110-315, title I, §101(b), Aug. 14, 2008, 122 Stat. 3083, as amended by Pub. L. 111-39, title I, §101(a)(1), July 1, 2009, 123 Stat. 1935, provided that: “The amendments made by this section [amending this section] shall take effect on the date of enactment of this Act [Aug. 14, 2008].”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-244, §3, Oct. 7, 1998, 112 Stat. 1585, provided that: “Except as otherwise provided in this Act [see

Tables for classification] or the amendments made by this Act, the amendments made by this Act shall take effect on October 1, 1998.”

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-325, §2, July 23, 1992, 106 Stat. 458, provided that: “Except as otherwise provided in this Act (20 U.S.C. 1001 et seq.) [see Tables for classification], the amendments made by this Act shall take effect on October 1, 1992.”

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-50, §27, June 3, 1987, 101 Stat. 363, provided that: “The amendments made by this Act [see Short Title of 1987 Amendment note below] shall take effect as if enacted as part of the Higher Education Amendments of 1986 [Pub. L. 99-498, see Short Title of 1986 Amendments note below].”

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-498, §2, Oct. 17, 1986, 100 Stat. 1277, provided that: “Except as otherwise provided in this Act, the amendments made by this Act [see Tables for classification] shall take effect on the date of enactment of this Act [Oct. 17, 1986].”

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-374, title XIII, §1393, Oct. 3, 1980, 94 Stat. 1504, provided that:

“(a) Except as provided in subsection (b), this Act and the amendments made by this Act [see Tables for classification] shall take effect on October 1, 1980.

“(b)(1) The amendment made by section 301 of this Act to title III of the Act [enacting subchapter III of this chapter] shall take effect October 1, 1981.

“(2) The amendment made by section 404(c)(4) of this Act to section 415C(b)(4) of the Act [amending section 1070c-2 of this title] shall be effective October 1, 1979.

“(3) The amendment made by section 405 to subpart 4 of part A of title IV of the Act [amending subpart 4 of part A of subchapter IV of this chapter generally] shall take effect October 1, 1981.

“(4) The amendments made by part B of title IV of this Act [enacting sections 1077a, 1078-2, 1083a, and 1087-1a of this title and amending sections 1074, 1075, 1077, 1078, 1078-1, 1080, 1082, 1085, 1087-1, and 1087-2 of this title] shall take effect, except as otherwise provided therein, on January 1, 1981, and to the extent such amendments make changes in such part B which affect student loans, such changes shall apply to outstanding loans as well as to loans made after the amendments take effect, except that the amendments made by section 415(b) [amending sections 1077(a)(2)(B) and 1078(b)(1)(E) of this title] shall apply with respect to any loan to cover the cost of instruction for any period of instruction beginning on or after January 1, 1981, to any student borrower who has no outstanding balance of principal or interest on any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 [part B of subchapter IV of this chapter] on the date on which the borrower enters into the note or other written evidence of the loan.

“(5) The amendments made by part D of title IV of this Act [enacting sections 1087cc-1, 1087hh, and 1087ii of this title and amending sections 1087aa and 1087gg of this title] shall apply to loans made under part E of the Act [part D of subchapter IV of this chapter] on or after October 1, 1980.

“(6) The amendment made by section 701 of this Act adding section 731 of the Act [former section 1132d of this title] shall apply to loans made under section 731 on or after October 1, 1980.”

EFFECTIVE DATE OF 1976 AMENDMENT

Pub. L. 94-482, title V, §532, Oct. 12, 1976, 90 Stat. 2241, provided that: “The provisions of this Act [see Tables for classification] and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act [Oct. 12, 1976] except—

“(1) as specifically otherwise provided; and

“(2) that each amendment made by this Act (not subject to clause (1) of this section) providing for authorization of appropriations shall take effect July 1, 1976.”

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111–152, title II, §2001(a), Mar. 30, 2010, 124 Stat. 1071, provided that: “This subtitle [subtitle A (§§2001–2213) of title II of Pub. L. 111–152, enacting section 1087i–2 of this title, amending sections 1002, 1067q, 1070a, 1070a–14, 1071, 1074, 1077a, 1078, 1078–2, 1078–3, 1078–8, 1085, 1087–1, 1087b, 1087d, 1087e, 1087f, 1087h, 1090, 1092f, 1098e, 1141, and 1161y of this title, enacting provisions set out as notes under sections 1002, 1070a, 1087d, and 1087e of this title, and repealing provisions set out as a note under section 1078 of this title] may be cited as the ‘SAFRA Act’.”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110–315, §1(a), Aug. 14, 2008, 122 Stat. 3078, provided that: “This Act [see Tables for classification] may be cited as the ‘Higher Education Opportunity Act’.”

Pub. L. 110–227, §1, May 7, 2008, 122 Stat. 740, provided that: “This title [probably means this “Act”, enacting section 1087i–1 of this title, amending sections 1070a–1, 1071, 1078, 1078–2, 1078–8, 1087a, and 1087f of this title, and enacting provisions set out as notes under sections 1070a–1, 1071, 1078, 1078–8, and 1089 of this title] may be cited as the ‘Ensuring Continued Access to Student Loans Act of 2008’.”

Pub. L. 110–198, §1, Mar. 24, 2008, 122 Stat. 656, provided that: “This Act [enacting and amending provisions set out as notes under this section] may be cited as the ‘Higher Education Extension Act of 2008’.”

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110–109, §1, Oct. 31, 2007, 121 Stat. 1028, provided that: “This Act [amending section 1085 of this title and enacting and amending provisions set out as notes under this section] may be cited as the ‘Third Higher Education Extension Act of 2007’.”

Pub. L. 110–84, §1(a), Sept. 27, 2007, 121 Stat. 784, provided that: “This Act [enacting sections 1070g to 1070g–3, 1098e, 1098f, 1099d, 1099e, and 1141 of this title, amending sections 1070a, 1070a–13, 1077a, 1078, 1078–3, 1085, 1087–1, 1087e, 1087h, 1087dd, 1087ff, 1087oo to 1087tt, and 1087vv of this title, repealing section 1078–9 of this title, enacting provisions set out as notes under sections 1070a, 1078, 1078–3, 1087oo, 1087ss, 1087tt, and 1087vv of this title, and amending provisions set out as a note under section 1078 of this title] may be cited as the ‘College Cost Reduction and Access Act’.”

Pub. L. 110–51, §1, July 31, 2007, 121 Stat. 263, provided that: “This Act [enacting and amending provisions set out as notes under this section] may be cited as the ‘Second Higher Education Extension Act of 2007’.”

Pub. L. 110–44, §1, July 3, 2007, 121 Stat. 238, provided that: “This Act [enacting and amending provisions set out as notes under this section] may be cited as the ‘First Higher Education Extension Act of 2007’.”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109–292, §1, Sept. 30, 2006, 120 Stat. 1340, provided that: “This Act [amending sections 1085, 1087h, 1101a, and 1101c of this title, enacting provisions set out as notes under this section and section 1085 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Third Higher Education Extension Act of 2006’.”

Pub. L. 109–238, §1, June 30, 2006, 120 Stat. 507, provided that: “This Act [enacting and amending provisions set out as notes under this section] may be cited as the ‘Second Higher Education Extension Act of 2006’.”

Pub. L. 109–212, §1, Apr. 1, 2006, 120 Stat. 321, provided that: “This Act [enacting and amending provisions set out as notes under this section] may be cited as the ‘Higher Education Extension Act of 2006’.”

Pub. L. 109–171, title VIII, §8001(a), Feb. 8, 2006, 120 Stat. 155, provided that: “This subtitle [subtitle A (§§8001–8024) of title VIII of Pub. L. 109–171, enacting sections 1070a–1 and 1092e of this title, amending sections 1002, 1071, 1074, 1075, 1077a, 1078 to 1078–3, 1078–6 to 1078–10, 1082, 1085, 1087, 1087–1, 1087e, 1087h, 1087j, 1087dd, 1087ll, 1087oo to 1087ss, 1087vv, 1088, 1091, 1091b, and 1095a of this title, enacting provisions set out as notes under sections 1002, 1075, 1078, 1087–1, 1087oo to 1087qq, and 1087ss of this title, and amending provisions set out as a note under section 1078–10 of this title] may be cited as the ‘Higher Education Reconciliation Act of 2005’.”

SHORT TITLE OF 2005 AMENDMENTS

Pub. L. 109–150, §1, Dec. 30, 2005, 119 Stat. 2884, provided that: “This Act [amending section 1087–1 of this title, enacting provisions set out as a note under section 1087–1 of this title, and amending provisions set out as notes under this section and section 1078–10 of this title] may be cited as the ‘Second Higher Education Extension Act of 2005’.”

Pub. L. 109–67, §1, Sept. 21, 2005, 119 Stat. 2001, provided that: “This Act [amending section 1091b of this title] may be cited as the ‘Student Grant Hurricane and Disaster Relief Act’.”

Pub. L. 109–66, §1, Sept. 21, 2005, 119 Stat. 1999, provided that: “This Act [amending section 1091b of this title] may be cited as the ‘Pell Grant Hurricane and Disaster Relief Act’.”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–409, §1, Oct. 30, 2004, 118 Stat. 2299, provided that: “This Act [amending sections 1078–10, 1087–1, and 1087j of this title and enacting provisions set out as notes under section 1078–10 of this title] may be cited as the ‘Taxpayer-Teacher Protection Act of 2004’.”

SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106–420, §1, Nov. 1, 2000, 114 Stat. 1867, provided that: “This Act [enacting section 1092d of this title, amending section 522 of Title 11, Bankruptcy, and enacting provisions set out as notes under section 1092d of this title and section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘College Scholarship Fraud Prevention Act of 2000’.”

Pub. L. 106–386, div. B, title VI, §1601(a), Oct. 28, 2000, 114 Stat. 1537, provided that: “This section [amending sections 1092 and 1232g of this title and section 14071 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under section 1092 of this title and section 14071 of Title 42] may be cited as the ‘Campus Sex Crimes Prevention Act’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–244, §1(a), Oct. 7, 1998, 112 Stat. 1581, provided that: “This Act [see Tables for classification] may be cited as the ‘Higher Education Amendments of 1998’.”

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105–78, title VI, §609(a), Nov. 13, 1997, 111 Stat. 1522, provided in part that: “This section [amending sections 1078–3, 1087h, 1087oo to 1087qq, and 1087vv of this title and enacting provisions set out as notes under sections 1078–3 and 1087h of this title] may be cited as the ‘Emergency Student Loan Consolidation Act of 1997’.”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–208, div. A, title I, §101(e) [title VI, §601], Sept. 30, 1996, 110 Stat. 3009–233, 3009–275, provided that: “This title [enacting sections 1087–3, 1087–4, and 1132f–10 of this title, amending sections 1078–3, 1085, and 1087–2 of this title, repealing sections 1087–2, 1087–3, and 1132f to 1132f–9 of this title, and enacting provisions set out as notes under sections 1078–3 and 1087–2 of this title] may be cited as the ‘Student Loan Marketing Association Reorganization Act of 1996’.”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-382, title III, §360B(a), Oct. 20, 1994, 108 Stat. 3969, provided that: "This section [amending section 1092 of this title and enacting provisions set out as a note under section 1092 of this title] may be cited as the 'Equity in Athletics Disclosure Act'."

SHORT TITLE OF 1993 AMENDMENTS

Pub. L. 103-208, §1(a), Dec. 20, 1993, 107 Stat. 2457, provided that: "This Act [see Tables for classification] may be cited as the 'Higher Education Technical Amendments of 1993'."

Pub. L. 103-66, title IV, §4011(a), Aug. 10, 1993, 107 Stat. 341, provided that: "This subtitle [subtitle A (§§4011-4047) of title IV of Pub. L. 103-66, amending sections 1072, 1078, 1078-3, 1078-8, 1085, 1087-2, and 1087a to 1087h of this title, repealing section 1078-1 of this title, omitting sections 1087i and 1087j of this title, and enacting provisions set out as notes under sections 1078, 1078-3, and 1078-8 of this title] may be cited as the 'Student Loan Reform Act of 1993'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-325, §1(a), July 23, 1992, 106 Stat. 448, provided that: "This Act [see Tables for classification] may be cited as the 'Higher Education Amendments of 1992'."

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-26, §1(a), Apr. 9, 1991, 105 Stat. 123, provided that: "This Act [enacting section 1211b of this title, amending sections 1078, 1078-1, 1085, 1087ss, 1088, 1091, 1091a, 1092, 1094, and 1141 of this title, enacting provisions set out as notes under sections 1070, 1078-1, 1088, and 1091a of this title, amending provisions set out as a note under section 1092 of this title, and repealing provisions set out as a note under section 1088 of this title] may be cited as the 'Higher Education Technical Amendments of 1991'."

SHORT TITLE OF 1990 AMENDMENTS

Pub. L. 101-542, §1, Nov. 8, 1990, 104 Stat. 2381, provided that: "This Act [amending sections 1085, 1092, 1094, and 1232g of this title and enacting provisions set out as notes under this section and section 1092 of this title] may be cited as the 'Student Right-To-Know and Campus Security Act'."

Pub. L. 101-542, title I, §101, Nov. 8, 1990, 104 Stat. 2381, provided that: "This title [amending section 1092 of this title and enacting provisions set out as notes under section 1092 of this title] may be cited as the 'Student Right-To-Know Act'."

Pub. L. 101-542, title II, §201, Nov. 8, 1990, 104 Stat. 2384, provided that: "This title [amending sections 1092, 1094, and 1232g of this title and enacting provisions set out as notes under section 1092 of this title] may be cited as the 'Crime Awareness and Campus Security Act of 1990'."

Pub. L. 101-508, title III, §3001, Nov. 5, 1990, 104 Stat. 1388-25, provided that: "This subtitle [subtitle A (§§3001-3008) of title III of Pub. L. 101-508, amending sections 1078, 1078-1, 1078-7, 1085, 1088, and 1091 of this title and sections 362, 541, and 1328 of Title 11, Bankruptcy, enacting provisions set out as notes under sections 1078-7, 1085, and 1088 of this title and sections 362 and 1328 of Title 11, and amending provisions set out as a note under section 1078-1 of this title] may be cited as the 'Student Loan Default Prevention Initiative Act of 1990'."

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-239, title II, §2001, Dec. 19, 1989, 103 Stat. 2111, provided that: "This subtitle [subtitle A (§§2001-2009) of title II of Pub. L. 101-239, enacting section 1078-7 of this title, amending sections 1077, 1078, 1078-1, 1078-6, 1082, 1085, 1087dd, 1087tt, 1088, 1092b, and 1094 of this title, and enacting provisions set out as notes under sections 1077, 1078, 1078-1, and 1078-6 of this

title] may be cited as the 'Student Loan Reconciliation Amendments of 1989'."

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-50, §1(a), June 3, 1987, 101 Stat. 335, provided that: "This Act [enacting sections 1059a, 1087tt, 1087uu, 1087uu-1, and 1145d-1 of this title, amending sections 1057, 1058, 1062, 1063a to 1063c, 1065, 1066, 1067, 1069a, 1070a to 1070a-4, 1070a-6, 1070b-3, 1070c-4, 1070d-1b, 1070d-2, 1070e-1, 1070f, 1075, 1077, 1077a, 1078 to 1078-3, 1078-5, 1078-6, 1080a, 1081 to 1083, 1085, 1087-1, 1087-2, 1087d, 1087bb, 1087cc, 1087cc-1, 1087dd, 1087ee, 1087oo to 1087ss, 1087vv, 1088, 1089 to 1091, 1092 to 1092b, 1095, 1096, 1098, 1109 to 1109d, 1111, 1111b, 1111f, 1111g, 1122, 1132a, 1132a-1, 1132d, 1132d-2, 1132g-3, 1132i-1, 1134h to 1134j, 1141, 1145e, 1221e, and 1221e-1 of this title, section 4604 of Title 22, Foreign Relations and Intercourse, and sections 2752, 2753, and 2756 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under section 2752 of Title 42, and amending provisions set out as notes under sections 1011, 1071, 1087dd, 1087kk, 1091, 1121, 1145d, 1221-1, and 1221e-1 of this title and section 2753 of Title 42] may be cited as the 'Higher Education Technical Amendments Act of 1987'."

SHORT TITLE OF 1986 AMENDMENTS

Pub. L. 99-498, §1, Oct. 17, 1986, 100 Stat. 1268, provided that: "This Act [see Tables for classification] may be cited as the 'Higher Education Amendments of 1986'."

Pub. L. 99-320, §1, May 23, 1986, 100 Stat. 491, provided: "That this Act [amending sections 1078 and 1080a of this title and a provision set out as a note under section 1072 of this title] may be cited as the 'Student Financial Assistance Technical Corrections Act of 1986'."

Pub. L. 99-272, title XVI, §16001(a), Apr. 7, 1986, 100 Stat. 339, provided that: "This title [enacting sections 1078-3, 1080a, and 1091a of this title, amending sections 1072, 1074, 1075, 1077, 1078, 1080, 1082, 1083a, 1085, 1087-1, 1087-2, 1087cc, 1087cc-1, 1087dd, 1087gg, 1089, 1091, and 1094 of this title, enacting provisions set out as notes under sections 1072, 1078, and 1078-3 of this title, and amending provisions set out as a note under section 1078 of this title] may be cited as the 'Student Financial Assistance Amendments of 1985'."

SHORT TITLE OF 1983 AMENDMENTS

Pub. L. 98-95, §1, Sept. 26, 1983, 97 Stat. 708, provided: "That this Act [enacting section 1065a of this title, amending section 1069c of this title, enacting provisions set out as a note under section 1132a-1 of this title, and amending provisions set out as notes under sections 123 and 1069c of this title] may be cited as the 'Challenge Grant Amendments of 1983'."

Pub. L. 98-79, §1, Aug. 15, 1983, 97 Stat. 476, provided: "That this Act [amending sections 1071, 1077, 1077a, 1078, 1078-2, 1083a, 1087-1, 1087-2, 1087cc-1, and 1098 of this title, repealing section 1087-1a of this title, enacting provisions set out as notes under sections 1077, 1077a, 1078, and 1087-1 of this title, and amending provisions set out as notes under sections 1070a, 1078, and 1089 of this title] may be cited as the 'Student Loan Consolidation and Technical Amendments Act of 1983'."

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-301, §1, Oct. 13, 1982, 96 Stat. 1400, which provided: "That this Act [amending sections 1070a, 1083a, 1087-2, and 1087cc-1 of this title and enacting provisions set out as notes under sections 1070a, 1070b-3, 1078, 1087bb, 1089, and 1221e-1 of this title and section 2752 of Title 42, The Public Health and Welfare] may be cited as the 'Student Financial Assistance Technical Amendments Act of 1982'." was repealed by Pub. L. 99-498, title IV, §408(b), Oct. 17, 1986, 100 Stat. 1495, eff. with respect to any academic year beginning on or after July 1, 1988.

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97-35, title V, subtitle B, §531, Aug. 13, 1981, 95 Stat. 450, provided that: "This subtitle [amending

sections 1075, 1077, 1077a, 1078, 1078-1, 1078-2, 1087-1, 1087-2, 1087dd, 1089, 1096, and 1232 of this title, repealing section 1087-3a of this title, and enacting provisions set out as notes under section 1078 of this title] may be cited as the 'Postsecondary Student Assistance Amendments of 1981'."

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-374, § 1, Oct. 3, 1980, 94 Stat. 1367, provided: "That this Act [enacting sections 239a, 1001 to 1005, 1011 to 1015, 1016 to 1019, 1021, 1022, 1029, 1031 to 1034, 1041, 1042, 1047 to 1047j, 1051, 1057 to 1069c, 1070d-1a to 1070d-2, 1077a, 1078-2, 1083a, 1087-1a, 1087cc-1, 1087hh, 1087ii, 1088 to 1098, 1119b to 1119b-5, 1119c to 1119c-2, 1121 to 1127, 1130 to 1132, 1132a to 1132a-1, 1132b to 1132c, 1132d to 1132d-4, 1132e, 1132e-1, 1134d to 1134p, 1135 to 1135a-3, 1136 to 1136d, 1143, 1144a, 1145, 1146, 1221e-1b, 1221e-4, and 3063 to 3065 of this title, section 640c-2 of Title 25, Indians, and sections 2753 and 2756b of Title 42, The Public Health and Welfare, amending sections 1070 to 1070c-3, 1070d, 1070d-1, 1070e to 1077, 1078, 1078-1, 1079, 1080 to 1083, 1085 to 1087-1, 1087-2, 1087aa to 1087cc, 1087dd to 1087gg, 1101 to 1104, 1119 to 1119a-1, 1133 to 1134c, 1135c-1, 1141, 1142, 1221e, 1226a, 1226c, and 1232 of this title, section 326a of Title 7, Agriculture, section 640c-1 of Title 25, sections 714 and 792 of Title 29, Labor, and sections 2751, 2752, and 2756 of Title 42, repealing sections 511 to 513, 1070c-4, 1070d-3, 1087-4, 1134q to 1134s, 1142a, 1142b, 1145, 1145a, 1145c, 1172 to 1174, 1176, 1177, and 1221d of this title and section 2754 of Title 42, enacting provisions set out as notes under sections 236, 1001, 1119b, and 1221-1 of this title and section 301 of Title 7, and amending provisions set out as notes under section 236 of this title and section 301 of Title 7] may be cited as the 'Education Amendments of 1980'."

SHORT TITLE OF 1979 AMENDMENT

Pub. L. 96-49, § 1, Aug. 13, 1979, 93 Stat. 351, provided: "That this Act [enacting section 1087gg of this title, amending this section and sections 513, 1021, 1042, 1051, 1070a, 1070b, 1070c, 1070d, 1070d-2, 1070e-1, 1078, 1087-1, 1087aa, 1088, 1101, 1119, 1121, 1132a, 1132b, 1132c, 1132c-4, 1134, 1134e, 1134i, 1134n, 1134r-1, 1135, 1135a, 1136b, 1142b, 1221d, and 1221e of this title, enacting provisions set out as notes under sections 1070a, 1087-1, 1087gg, and 1088 of this title, and amending provisions set out as a note under section 1070a of this title] may be cited as the 'Higher Education Technical Amendments of 1979'."

SHORT TITLE OF 1978 AMENDMENTS

Pub. L. 95-566, § 1, Nov. 1, 1978, 92 Stat. 2402, provided: "That this Act [enacting section 1087-3a of this title, amending sections 1070a, 1070c-2, 1070d-1, 1075, 1077, 1078, 1088 and 1088f of this title, and enacting provisions set out as a note under this section] may be cited as the 'Middle Income Student Assistance Act'."

Pub. L. 95-336, § 1, Aug. 4, 1978, 92 Stat. 451, provided: "That this Act [amending section 1070e-1 of this title, sections 1001, 1002, and 1007 of Title 21, Food and Drugs, and former section 246 of Title 38, Veterans' Benefits, and enacting provisions set out as a note under section 1070e-1 of this title] may be cited as the 'Alcohol and Drug Abuse Education Amendments of 1978'."

SHORT TITLE OF 1976 AMENDMENTS

Pub. L. 94-482, § 1, Oct. 12, 1976, 90 Stat. 2081, provided: "That this Act [see Tables for classification] may be cited as the 'Education Amendments of 1976'."

Pub. L. 94-328, § 1, June 30, 1976, 90 Stat. 727, provided: "That this joint resolution [amending sections 1070a, 1074, 1078 and 1078a of this title and enacting provisions set out as notes under section 1226a of this title and section 2756 of Title 42, The Public Health and Welfare] may be cited as the 'Emergency Technical Provisions Act of 1976'."

SHORT TITLE OF 1972 AMENDMENT

Pub. L. 92-318, § 1, June 23, 1972, 86 Stat. 235, provided: "That this Act [enacting chapter 36 (§1601 et seq.),

chapter 37 (§1651 et seq.), chapter 38 (§1681 et seq.), and sections 241aa to 241ff, 887c, 887d, 900 to 900a-5, 1005a, 1021, 1031, 1042, 1070 to 1070e, 1070e-1, 1087-1, 1087-2, 1087aa to 1087ff, 1088d to 1088g, 1119a, 1132a to 1132e-1, 1134 to 1134s, 1135, 1135a, 1135b to 1135c, 1135c-1, 1142a, 1142b, 1144a, 1145a, 1211a, 1221a to 1221h, 1227 of this title, and section 326a of Title 7, Agriculture, and 2756a of Title 42, The Public Health and Welfare, amending this section and sections 240, 241c, 241e, 331a, 332, 421, 441, 511, 513, 822, 823, 842, 843, 863, 880b-3a, 1003, 1011, 1021, 1022 to 1024, 1027, 1031, 1033, 1041, 1051 to 1056, 1061, 1068, 1070, 1074, 1075, 1077, 1078, 1078a, 1080, 1083, 1084, 1087, 1087a, 1087c, 1088, 1088c, 1091, 1091a to 1091c, 1101, 1102, 1108 to 1111, 1115, 1116, 1118, 1119, 1119a, 1119b-2, 1121, 1129, 1133, 1133a, 1134j, 1136, 1136a, 1136b, 1141, 1176, 1231, 1231a, 1232a, 1232c, 1242, 1244, 1248, 1302, 1321 to 1323, 1341, 1352, 1371, 1391, and 1412 of this title, and sections 329, 331, 343, 349, 361, and 1626 of Title 7, sections 24, 84, 1464, and 1757 of Title 12, Banks and Banking, sections 203 and 213 of Title 29, Labor, and sections 2751, 2752, and 2754 of Title 42, repealing sections 1, 2, 426, 711 to 721, 731, 732, 746, 1021, 1031, 1032, 1060, 1118, 1119a, 1119b-2, and 1119c-4 of this title, and enacting provisions set out as notes under this section and sections 241a, 241e, 241aa, 331a, 425, 821, 887d, 1005a, 1009, 1070, 1070e, 1074, 1075, 1087-2, 1087aa, 1091a, 1132a, 1132c-3, 1135c, 1231, and 1232 of this title, sections 301 and 326a of Title 7, and section 3501 of Title 42] may be cited as the 'Education Amendments of 1972'."

SHORT TITLE OF 1968 AMENDMENT

Pub. L. 90-575, § 1, Oct. 16, 1968, 82 Stat. 1014, provided: "That this Act [enacting sections 451 to 455, 746, 1056, 1060, 1087, 1087a to 1087c, 1088 to 1088c, 1089, 1119a-1, 1129a, 1133 to 1133b, 1134 to 1134f, 1135, 1135a, 1135b, 1135c, 1136 to 1136b, 1145, 1146 to 1150 of this title, amending this section and sections 403, 421 to 425, 425 note, 426, 441 to 445, 462 to 464, 481 to 484, 511, 513, 562, 581, 584, 588, 591, 711, 713 to 718, 731, 732, 743, 751, 758, 961, 1005, 1006, 1021 to 1024, 1031, 1033, 1041, 1051, 1061, 1062, 1065 to 1068, 1071 to 1075, 1077, 1078, 1080, 1083 to 1086, 1091c, 1101, 1104, 1108 to 1111, 1113, 1114, 1115, 1118, 1119a, 1119b-2, 1121, 1124, 1125, 1141, 1142, 1143, 1144 and 1176 of this title, section 1464 of Title 12, Banks and Banking, and sections 2741, 2751 to 2756, and 2809 of Title 42, The Public Health and Welfare, repealing sections 733, 981 to 996 of this title, and section 2757 of Title 42, and enacting provisions set out as notes under this section and sections 423 to 425, 445, 462 to 464, 588, 713, 716 to 718, 743, 751, 981, 1006, 1022, 1024, 1051, 1056, 1060, 1067, 1071, 1077, 1078, 1083, 1088b, and 1109 of this title, and sections 2751, 2753, 2754, and 2809 of Title 42] may be cited as the 'Higher Education Amendments of 1968'."

SHORT TITLE OF 1966 AMENDMENT

Pub. L. 89-752, § 1, Nov. 3, 1966, 80 Stat. 1240, provided: "That this Act [enacting section 1086 of this title, amending sections 403, 421, 425, 441, 443, 711-715, 731, 743, 744, 751, 1022, 1051, 1072, 1121, and 1124 of this title, and enacting provisions set out as notes under sections 403, 443, 1022, 1071, and 1124 of this title] may be cited as the 'Higher Education Amendments of 1966'."

SHORT TITLE

Pub. L. 89-329, § 1, Nov. 8, 1965, 79 Stat. 1219, provided: "That this Act [enacting this chapter and section 2757 of Title 42, The Public Health and Welfare, and amending sections 403, 424, 425, 441, 443, 591, 711, 713 to 717, 731, and 751 of this title, and sections 2751 to 2756, and 2761 of Title 42] may be cited as the 'Higher Education Act of 1965'."

Pub. L. 89-329, title V, §509, as added by Pub. L. 90-35, § 8, provided that title V of Pub. L. 89-329 could be cited as the "Education Professions Development Act", prior to the general amendment of title V of Pub. L. 89-329 by Pub. L. 99-498, title V, §501(a), Oct. 17, 1986, 100 Stat. 1495.

For short title of section 1092(f) of this title as the Jeanne Clery Disclosure of Campus Security Policy and

Campus Crime Statistics Act, see section 1092(f)(18) of this title.

HIGHER EDUCATION EXTENSION

Pub. L. 109-81, Sept. 30, 2005, 119 Stat. 2048, as amended by Pub. L. 109-150, §2(a), Dec. 30, 2005, 119 Stat. 2884; Pub. L. 109-212, § 2, Apr. 1, 2006, 120 Stat. 321; Pub. L. 109-238, § 2, June 30, 2006, 120 Stat. 507; Pub. L. 109-292, § 2, Sept. 30, 2006, 120 Stat. 1340; Pub. L. 110-44, § 2, July 3, 2007, 121 Stat. 238; Pub. L. 110-51, § 2, July 31, 2007, 121 Stat. 263; Pub. L. 110-109, § 2, Oct. 31, 2007, 121 Stat. 1028; Pub. L. 110-198, § 2, Mar. 24, 2008, 122 Stat. 656; Pub. L. 110-230, §1(a), May 13, 2008, 122 Stat. 877; Pub. L. 110-238, §1(a), May 30, 2008, 122 Stat. 1558; Pub. L. 110-256, §1(a), June 30, 2008, 122 Stat. 2425; Pub. L. 110-300, §1(a), July 31, 2008, 122 Stat. 2998, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Higher Education Extension Act of 2005’.

“SEC. 2. EXTENSION OF PROGRAMS.

“(a) EXTENSION OF DURATION.—The authorization of appropriations for, and the duration of, each program authorized under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) [and 42 U.S.C. 2751 et seq.] shall be extended through August 15, 2008.

“(b) PERFORMANCE OF REQUIRED AND AUTHORIZED FUNCTIONS.—If the Secretary of Education, a State, an institution of higher education, a guaranty agency, a lender, or another person or entity—

“(1) is required, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the Higher Education Act of 1965, such acts, determinations, or payments shall be required to be carried out, made, or continued during the period of the extension under this section; or

“(2) is permitted or authorized, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the Higher Education Act of 1965, such acts, determinations, or payments are permitted or authorized to be carried out, made, or continued during the period of the extension under this section.

“(c) EXTENSION AT CURRENT LEVELS.—The amount authorized to be appropriated for a program described in subsection (a) during the period of extension under this section shall be the amount authorized to be appropriated for such program for fiscal year 2004, or the amount appropriated for such program for such fiscal year, whichever is greater. Except as provided in any amendment to the Higher Education Act of 1965 enacted during fiscal year 2005 or 2006, the amount of any payment required or authorized under subsection (b) in or for the period of the extension under this section shall be determined in the same manner as the amount of the corresponding payment required or authorized in or for fiscal year 2004.

“(d) ADVISORY COMMITTEES AND OTHER ENTITIES CONTINUED.—Any advisory committee, interagency organization, or other entity that was, during fiscal year 2004, authorized or required to perform any function under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) [and 42 U.S.C. 2751 et seq.], or in relation to programs under that Act, shall continue to exist and is authorized or required, respectively, to perform such function for the period of the extension under this section.

“(e) ADDITIONAL EXTENSION NOT PERMITTED.—Section 422 of the General Education Provisions Act (20 U.S.C. 1226a) shall not apply to further extend the authorization of appropriations for any program described in subsection (a) on the basis of the extension of such program under this section.

“(f) EXCEPTION.—The programs described in subsection (a) for which the authorization of appropriations, or the duration of which, is extended by this section include provisions applicable to institutions in, and students in or from, the Freely Associated States, except that those provisions shall be applicable with

respect to institutions in, and students in or from, the Federated States of Micronesia and the Republic of the Marshall Islands only to the extent specified in Public Law 108-188 [48 U.S.C. 1921 et seq.].”

[Pub. L. 110-300, §1(c), July 31, 2008, 122 Stat. 2998, provided that: “The amendment made by subsection (a) [amending Pub. L. 109-81, set out above] shall take effect as if enacted on July 31, 2008.”]

[Pub. L. 110-230, §1(c), May 13, 2008, 122 Stat. 877, provided that: “The amendment made by subsection (a) [amending Pub. L. 109-81, set out above] shall take effect as if enacted on April 30, 2008.”]

[Pub. L. 110-300, §1(b), July 31, 2008, 122 Stat. 2998, provided that: “Nothing in this section [enacting provisions set out above and amending Pub. L. 109-81, set out above], or in the Higher Education Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) [see Short Title of 2006 Amendment note above], by the College Cost Reduction and Access Act (Public Law 110-84) [see Short Title of 2007 Amendment note above], or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110-227) [see Short Title of 2008 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

[Pub. L. 110-256, §1(b), June 30, 2008, 122 Stat. 2425, provided that: “Nothing in this section [amending Pub. L. 109-81, set out above], or in the Higher Education Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) [see Short Title of 2006 Amendment note above], by the College Cost Reduction and Access Act (Public Law 110-84) [see Short Title of 2007 Amendment note above], or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110-227) [see Short Title of 2008 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

[Pub. L. 110-238, §1(b), May 30, 2008, 122 Stat. 1558, provided that: “Nothing in this section [amending Pub. L. 109-81, set out above], or in the Higher Education Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) [see Short Title of 2006 Amendment note above], by the College Cost Reduction and Access Act (Public Law 110-84) [see Short Title of 2007 Amendment note above], or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110-227) [see Short Title of 2008 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

[Pub. L. 110-230, §1(b), May 13, 2008, 122 Stat. 877, provided that: “Nothing in this section [enacting provisions set out above and amending Pub. L. 109-81, set out above], or in the Higher Education Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) [see Short Title of 2006 Amendment note above] or by the College Cost Reduction and Access Act (Public Law 110-84) [see Short Title of 2007 Amendment note above] to the provisions of the Higher Education

Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

[Pub. L. 110-198, §3, Mar. 24, 2008, 122 Stat. 656, provided that: “Nothing in this Act [see Short Title of 2008 Amendment note above], or in the Higher Education Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) [see Short Title of 2006 Amendment note above] or by the College Cost Reduction and Access Act (Public Law 110-84) [see Short Title of 2007 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

[Pub. L. 110-109, §3, Oct. 31, 2007, 121 Stat. 1028, provided that: “Nothing in this Act [see Short Title of 2007 Amendment note above], or in the Higher Education Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) [see Short Title of 2006 Amendment note above] or by the College Cost Reduction and Access Act (Public Law 110-84) [see Short Title of 2007 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

[Pub. L. 110-51, §3, July 31, 2007, 121 Stat. 263, provided that: “Nothing in this Act [see Short Title of 2007 Amendment note above], or in the Higher Education Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) [see Short Title of 2006 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

[Pub. L. 110-44, §3, July 3, 2007, 121 Stat. 238, provided that: “Nothing in this Act [see Short Title of 2007 Amendment note above], or in the Higher Education Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) [see Short Title of 2006 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

[Pub. L. 109-292, §7, Sept. 30, 2006, 120 Stat. 1343, provided that: “Nothing in this Act [see Short Title of 2006 Amendment note above], or in the Higher Education Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (P.L. 109-171) [see Short Title of 2006 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

[Pub. L. 109-238, §3, June 30, 2006, 120 Stat. 507, provided that: “Nothing in this Act [see Short Title of 2006 Amendment note above], or in the Higher Education

Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) [see Short Title of 2006 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

[Pub. L. 109-212, §3, Apr. 1, 2006, 120 Stat. 321, provided that: “Nothing in this Act [see Short Title of 2006 Amendment note above], or in the Higher Education Extension Act of 2005 [Pub. L. 109-81, set out above] as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) [see Short Title of 2006 Amendment note above] to the provisions of the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] and the Taxpayer-Teacher Protection Act of 2004 [see Short Title of 2004 Amendment note above].”]

Similar provisions were contained in Pub. L. 108-366, Oct. 25, 2004, 118 Stat. 1741.

STUDY OF OPPORTUNITIES FOR PARTICIPATION IN ATHLETICS PROGRAMS

Pub. L. 105-244, title VIII, §805, Oct. 7, 1998, 112 Stat. 1807, which required the Comptroller General to conduct a study of the opportunities for participation in intercollegiate athletics and to submit a report on the study to committees of Congress, was repealed by Pub. L. 110-315, title IX, §931(1), Aug. 14, 2008, 122 Stat. 3456.

STYLISTIC CONSISTENCY

Pub. L. 103-208, §2(m), Dec. 20, 1993, 107 Stat. 2486, provided that: “The Act [Pub. L. 89-329, see Short Title note above] is amended so that the section designation and section heading of each section of the Act shall be in the form and typeface of the section designation and heading of this section [107 Stat. 2457].”

TERMS DEFINED FOR PURPOSES OF TITLES XIII, XIV, AND XV OF PUB. L. 102-325

Pub. L. 102-325, §1(c), July 23, 1992, 106 Stat. 448, as amended by Pub. L. 105-244, title I, §102(a)(6)(A), Oct. 7, 1998, 112 Stat. 1618, provided that: “Unless otherwise provided therein, terms used in titles XIII, XIV, and XV [enacting sections 1145h and 4426 of this title, sections 3301 to 3371 of Title 25, Indians, and sections 2401 to 2405 of Title 29, Labor, amending sections 1221e-1, 1232g, 3412, 4412, 4414, 4416, 4417, 4418, 4421, 4422, 4423, 4424, 4425, 5381, and 5411 of this title, section 5315 of Title 5, Government Organization and Employees, sections 4604 and 4609 of Title 22, Foreign Relations and Intercourse, sections 640c-1, 1810, 1836, and 1852 of Title 25, and sections 295g-8 and 12576 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under sections 1070, 1070a-11, 1070a-21, 1071, 1080, 1088, 1101, 1132a, 1134, 1221-1, 1221e, 1232g, 1452, and 9003 of this title, amending provisions set out as a note under section 1091a of this title, and repealing provisions set out as a note under section 362 of Title 11, Bankruptcy] shall have the same meaning given to such terms in section 101 of the Higher Education Act of 1965 [this section].”

GENERAL PROVISIONS OF 1972 AMENDMENT

Pub. L. 92-318, §2, June 23, 1972, 86 Stat. 236, provided that:

“(a) As used in this Act [See Short Title of 1972 Amendment note above]—

“(1) the term ‘Secretary’ means the Secretary of Health, Education, and Welfare [now Secretary of Education]; and

“(2) the term ‘Commissioner’ means the Commissioner of Education [now Secretary of Education];

unless the context requires another meaning.

“(b) Unless otherwise specified, the redesignation of a section, subsection, or other designation by any amendment in this Act shall include the redesignation of any reference to such section, subsection, or other designation in any Act or regulation, however styled.

“(c)(1) Unless otherwise specified, each provision of this Act and each amendment made by this Act shall be effective after June 30, 1972, and with respect to appropriations for the fiscal year ending June 30, 1973, and succeeding fiscal years.

“(2) Unless otherwise specified, in any case where an amendment made by this Act is to become effective after a date set herein, it shall be effective with the beginning of the day which immediately follows the date after which such amendment is effective.

“(3) In any case where the effective date for an amendment made by this Act is expressly stated to be effective after June 30, 1971, such amendment shall be deemed to have been enacted on July 1, 1971.”

RULEMAKING REQUIREMENTS; PUBLICATION IN FEDERAL REGISTER

Pub. L. 90-575, title V, § 505, Oct. 16, 1968, 82 Stat. 1063, provided for publication of rules and regulations in Federal Register, prior to repeal by Pub. L. 91-230, title IV, § 401(e)(2), Apr. 13, 1970, 84 Stat. 173.

PRESIDENTIAL RECOMMENDATIONS BY DECEMBER 31, 1969, WITH RESPECT TO POST-SECONDARY EDUCATION FOR ALL

Pub. L. 90-575, title V, § 508, Oct. 16, 1968, 82 Stat. 1063, authorized the President, on or before Dec. 31, 1969, to submit to the Congress proposals relative to the feasibility of making available a post-secondary education to all young Americans who qualify and seek it.

§ 1002. Definition of institution of higher education for purposes of student assistance programs

(a) Definition of institution of higher education for purposes of student assistance programs

(1) Inclusion of additional institutions

Subject to paragraphs (2) through (4) of this subsection, the term “institution of higher education” for purposes of subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 includes, in addition to the institutions covered by the definition in section 1001 of this title—

(A) a proprietary institution of higher education (as defined in subsection (b) of this section);

(B) a postsecondary vocational institution (as defined in subsection (c) of this section); and

(C) only for the purposes of part C of subchapter IV of this chapter, an institution outside the United States that is comparable to an institution of higher education as defined in section 1001 of this title and that has been approved by the Secretary for the purpose of part C of subchapter IV of this chapter, consistent with the requirements of section 1087b(d) of this title.

(2) Institutions outside the United States

(A) In general

For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institu-

tion of higher education as defined in section 1001 of this title (except that a graduate medical school, nursing school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 1001(a)(4) of this title). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made under part C of subchapter IV of this chapter unless—

(i) except as provided in subparagraph (B)(iii)(IV), in the case of a graduate medical school located outside the United States—

(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 1091(a)(5) of this title in the year preceding the year for which a student is seeking a loan under part C of subchapter IV of this chapter; and

(bb) at least 75 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part C of subchapter IV of this chapter; or

(II) the institution—

(aa) has or had a clinical training program that was approved by a State as of January 1, 1992; and

(bb) continues to operate a clinical training program in at least one State that is approved by that State;

(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section 1001(a)(4) of this title, the institution’s students complete their clinical training at an approved veterinary school located in the United States; or

(iii) in the case of a nursing school located outside of the United States—

(I) the nursing school has an agreement with a hospital, or accredited school of nursing (as such terms are defined in section 296 of title 42), located in the United States that requires the students of the nursing school to complete the students’ clinical training at such hospital or accredited school of nursing;

(II) the nursing school has an agreement with an accredited school of nursing located in the United States providing that the students graduating from the nursing school located outside of the United States also receive a degree from the accredited school of nursing located in the United States;

(III) the nursing school certifies only Federal Direct Stafford Loans under section 1087e(a)(2)(A) of this title, Federal

Direct Unsubsidized Stafford Loans under section 1087e(a)(2)(D) of this title, or Federal Direct PLUS Loans under section 1087e(a)(2)(B) of this title for students attending the institution;

(IV) the nursing school reimburses the Secretary for the cost of any loan defaults for current and former students included in the calculation of the institution's cohort default rate during the previous fiscal year; and

(V) not less than 75 percent of the individuals who were students or graduates of the nursing school, and who took the National Council Licensure Examination for Registered Nurses in the year preceding the year for which the institution is certifying a Federal Direct Stafford Loan under section 1087e(a)(2)(A) of this title, a Federal Direct Unsubsidized Stafford Loan under section 1087e(a)(2)(D) of this title, or a Federal Direct PLUS Loan under section 1087e(a)(2)(B) of this title, received a passing score on such examination.

(B) Advisory panel

(i) In general

For the purpose of qualifying as an institution under paragraph (1)(C) of this subsection, the Secretary shall establish an advisory panel of medical experts that shall—

(I) evaluate the standards of accreditation applied to applicant foreign medical schools; and

(II) determine the comparability of those standards to standards for accreditation applied to United States medical schools.

(ii) Special rule

If the accreditation standards described in clause (i) are determined not to be comparable, the foreign medical school shall be required to meet the requirements of section 1001 of this title.

(iii) Report

(I) In general

Not later than 1 year after August 14, 2008, the advisory panel described in clause (i) shall submit a report to the Secretary and to the authorizing committees recommending eligibility criteria for participation in the loan programs under part C of subchapter IV of this chapter for graduate medical schools that—

(aa) are located outside of the United States;

(bb) do not meet the requirements of subparagraph (A)(i); and

(cc) have a clinical training program approved by a State prior to January 1, 2008.

(II) Recommendations

In the report described in subclause (I), the advisory panel's eligibility criteria shall include recommendations regarding the appropriate levels of performance

for graduate medical schools described in such subclause in the following areas:

(aa) Entrance requirements.

(bb) Retention and graduation rates.

(cc) Successful placement of students in United States medical residency programs.

(dd) Passage rate of students on the United States Medical Licensing Examination.

(ee) The extent to which State medical boards have assessed the quality of such school's program of instruction, including through on-site reviews.

(ff) The extent to which graduates of such schools would be unable to practice medicine in 1 or more States, based on the judgment of a State medical board.

(gg) Any areas recommended by the Comptroller General of the United States under section 1101 of the Higher Education Opportunity Act.

(hh) Any additional areas the Secretary may require.

(III) Minimum eligibility requirement

In the recommendations described in subclause (II), the criteria described in subparagraph (A)(i)(I)(bb) shall be a minimum eligibility requirement for a graduate medical school described in subclause (I) to participate in the loan programs under part C of subchapter IV of this chapter.

(IV) Authority

The Secretary may—

(aa) not earlier than 180 days after the submission of the report described in subclause (I), issue proposed regulations establishing criteria for the eligibility of graduate medical schools described in such subclause to participate in the loan programs under part C of subchapter IV of this chapter based on the recommendations of such report; and

(bb) not earlier than one year after the issuance of proposed regulations under item (aa), issue final regulations establishing such criteria for eligibility.

(C) Failure to release information

The failure of an institution outside the United States to provide, release, or authorize release to the Secretary of such information as may be required by subparagraph (A) shall render such institution ineligible for the purpose of part C of subchapter IV of this chapter.

(D) Special rule

If, pursuant to this paragraph, an institution loses eligibility to participate in the programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, then a student enrolled at such institution may, notwithstanding such loss of eligibility, continue to be eligible to receive a loan under part C of subchapter IV

while attending such institution for the academic year succeeding the academic year in which such loss of eligibility occurred.

(3) Limitations based on course of study or enrollment

An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution—

(A) offers more than 50 percent of such institution's courses by correspondence (excluding courses offered by telecommunications as defined in section 1091(l)(4)¹ of this title), unless the institution is an institution that meets the definition in section 2302(3)(C) of this title;

(B) enrolls 50 percent or more of the institution's students in correspondence courses (excluding courses offered by telecommunications as defined in section 1091(l)(4)¹ of this title), unless the institution is an institution that meets the definition in such section, except that the Secretary, at the request of such institution, may waive the applicability of this subparagraph to such institution for good cause, as determined by the Secretary in the case of an institution of higher education that provides a 2- or 4-year program of instruction (or both) for which the institution awards an associate or baccalaureate degree, respectively;

(C) has a student enrollment in which more than 25 percent of the students are incarcerated, except that the Secretary may waive the limitation contained in this subparagraph for a nonprofit institution that provides a 2- or 4-year program of instruction (or both) for which the institution awards a bachelor's degree, or an associate's degree or a postsecondary diploma, respectively; or

(D) has a student enrollment in which more than 50 percent of the students do not have a secondary school diploma or its recognized equivalent, and does not provide a 2- or 4-year program of instruction (or both) for which the institution awards a bachelor's degree or an associate's degree, respectively, except that the Secretary may waive the limitation contained in this subparagraph if a nonprofit institution demonstrates to the satisfaction of the Secretary that the institution exceeds such limitation because the institution serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not have a secondary school diploma or its recognized equivalent.

(4) Limitations based on management

An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if—

(A) the institution, or an affiliate of the institution that has the power, by contract or ownership interest, to direct or cause the direction of the management or policies of the institution, has filed for bankruptcy, except that this paragraph shall not apply to a nonprofit institution, the primary function

of which is to provide health care educational services (or an affiliate of such an institution that has the power, by contract or ownership interest, to direct or cause the direction of the institution's management or policies) that files for bankruptcy under chapter 11 of title 11 between July 1, 1998, and December 1, 1998; or

(B) the institution, the institution's owner, or the institution's chief executive officer has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, or has been judicially determined to have committed fraud involving funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42.

(5) Certification

The Secretary shall certify an institution's qualification as an institution of higher education in accordance with the requirements of subpart 3 of part G of subchapter IV of this chapter.

(6) Loss of eligibility

An institution of higher education shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution is removed from eligibility for funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 as a result of an action pursuant to part G of subchapter IV of this chapter.

(b) Proprietary institution of higher education

(1) Principal criteria

For the purpose of this section, the term "proprietary institution of higher education" means a school that—

(A)(i) provides an eligible program of training to prepare students for gainful employment in a recognized occupation; or

(ii)(I) provides a program leading to a baccalaureate degree in liberal arts, and has provided such a program since January 1, 2009; and

(II) is accredited by a recognized regional accrediting agency or association, and has continuously held such accreditation since October 1, 2007, or earlier;

(B) meets the requirements of paragraphs (1) and (2) of section 1001(a) of this title;

(C) does not meet the requirement of paragraph (4) of section 1001(a) of this title;

(D) is accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part G of subchapter IV of this chapter; and

(E) has been in existence for at least 2 years.

(2) Additional institutions

The term "proprietary institution of higher education" also includes a proprietary educational institution in any State that, in lieu of the requirement in section 1001(a)(1) of this title, admits as regular students individuals—

(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

¹ See References in Text note below.

(B) who will be dually or concurrently enrolled in the institution and a secondary school.

(c) Postsecondary vocational institution

(1) Principal criteria

For the purpose of this section, the term “postsecondary vocational institution” means a school that—

(A) provides an eligible program of training to prepare students for gainful employment in a recognized occupation;

(B) meets the requirements of paragraphs (1), (2), (4), and (5) of section 1001(a) of this title; and

(C) has been in existence for at least 2 years.

(2) Additional institutions

The term “postsecondary vocational institution” also includes an educational institution in any State that, in lieu of the requirement in section 1001(a)(1) of this title, admits as regular students individuals—

(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

(B) who will be dually or concurrently enrolled in the institution and a secondary school.

(Pub. L. 89-329, title I, §102, as added Pub. L. 105-244, title I, §101(a), Oct. 7, 1998, 112 Stat. 1586; amended Pub. L. 108-98, §1(a), Oct. 10, 2003, 117 Stat. 1174; Pub. L. 109-171, title VIII, §8002, Feb. 8, 2006, 120 Stat. 155; Pub. L. 109-270, §2(c)(1), Aug. 12, 2006, 120 Stat. 746; Pub. L. 110-315, title I, §102(a)-(d)(1), Aug. 14, 2008, 122 Stat. 3083-3085; Pub. L. 111-39, title I, §101(b)(1), July 1, 2009, 123 Stat. 1935; Pub. L. 111-152, title II, §2209(b)(1), Mar. 30, 2010, 124 Stat. 1077.)

REFERENCES IN TEXT

Section 1101 of the Higher Education Opportunity Act, referred to in subsec. (a)(2)(B)(iii)(II)(gg), is section 1101 of title XI of 110-315, Aug. 14, 2008, 122 Stat. 3490, which is not classified to the Code.

Section 1091(l) of this title, referred to in subsec. (a)(3)(A), (B), was struck out and a new section 1091(l) was added by Pub. L. 110-315, title IV, §485(a)(5), Aug. 14, 2008, 122 Stat. 3288. As so amended, section 1091(l) no longer contains a par. (4) or a definition of “telecommunications”.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1088(a) to (c) of this title prior to repeal by Pub. L. 105-244.

A prior section 1002, Pub. L. 89-329, title I, §102, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 459, related to partnership agreements required for grant eligibility, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1002, Pub. L. 89-329, title I, §102, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1278, defined terms “continuing education”, “adult learner”, “eligible institution”, and “qualified entity”, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1002, Pub. L. 89-329, title I, §102, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1374, provided for establishment of Commission on National Development in Postsecondary Education, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1002, Pub. L. 89-329, title I, §102, Nov. 8, 1965, 79 Stat. 1219; Pub. L. 94-482, title I, §101(b)(1), (g)(2), Oct. 12, 1976, 90 Stat. 2083, 2086, defined the terms “community service program”, “continuing education program”, and “resource materials sharing programs”, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2010—Pub. L. 111-152, §2209(b)(1)(A), substituted “part C” for “part B” wherever appearing before “subchapter IV”.

Subsec. (a)(1)(C). Pub. L. 111-152, §2209(b)(1)(B), inserted “, consistent with the requirements of section 1087b(d) of this title” before period at end.

Subsec. (a)(2)(A). Pub. L. 111-152, §2209(b)(1)(C)(i), substituted “made” for “made, insured, or guaranteed” in introductory provisions.

Subsec. (a)(2)(A)(iii)(III). Pub. L. 111-152, §2209(b)(1)(C)(ii)(I), substituted “only Federal Direct Stafford Loans under section 1087e(a)(2)(A) of this title, Federal Direct Unsubsidized Stafford Loans under section 1087e(a)(2)(D) of this title, or Federal Direct PLUS Loans under section 1087e(a)(2)(B) of this title” for “only Federal Stafford Loans under section 1078 of this title, unsubsidized Federal Stafford Loans under section 1078-8 of this title, or Federal PLUS loans under section 1078-2 of this title”.

Subsec. (a)(2)(A)(iii)(V). Pub. L. 111-152, §2209(b)(1)(C)(ii)(II), substituted “a Federal Direct Stafford Loan under section 1087e(a)(2)(A) of this title, a Federal Direct Unsubsidized Stafford Loan under section 1087e(a)(2)(D) of this title, or a Federal Direct PLUS Loan under section 1087e(a)(2)(B) of this title” for “a Federal Stafford Loan under section 1078 of this title, an unsubsidized Federal Stafford Loan under section 1078-8 of this title, or a Federal PLUS loan under section 1078-2 of this title”.

2009—Subsec. (a)(2)(D). Pub. L. 111-39 substituted “under part B of subchapter IV” for “under part B”.

2008—Subsec. (a)(2)(A). Pub. L. 110-315, §102(a)(1)(A), inserted “nursing school,” after “graduate medical school,” in introductory provisions.

Subsec. (a)(2)(A)(i). Pub. L. 110-315, §102(a)(1)(B)(i), inserted “except as provided in subparagraph (B)(iii)(IV),” before “in the case” in introductory provisions.

Subsec. (a)(2)(A)(i)(I)(bb). Pub. L. 110-315, §102(b), substituted “75” for “60”.

Subsec. (a)(2)(A)(i)(II). Pub. L. 110-315, §102(a)(1)(B)(ii), added subcl. (II) and struck out former subcl. (II) which read as follows: “the institution has a clinical training program that was approved by a State as of January 1, 1992; or”.

Subsec. (a)(2)(A)(iii). Pub. L. 110-315, §102(a)(1)(C), (D), added cl. (iii).

Subsec. (a)(2)(B)(iii). Pub. L. 110-315, §102(a)(2), added cl. (iii).

Subsec. (b)(1)(A). Pub. L. 110-315, §102(d)(1)(A)(i), added subpar. (A) and struck out former subpar. (A) which read as follows: “provides an eligible program of training to prepare students for gainful employment in a recognized occupation;”.

Subsec. (b)(1)(D) to (F). Pub. L. 110-315, §102(c), struck out “and” after semicolon in subpar. (D), substituted “; and” for period in subpar. (E), and struck out subpar. (F) which read as follows: “has at least 10 percent of the school’s revenues from sources that are not derived from funds provided under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, as determined in accordance with regulations prescribed by the Secretary.”

Subsec. (b)(2). Pub. L. 110-315, §102(d)(1)(A)(ii), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “The term ‘proprietary institution of higher education’ also includes a proprietary educational institution in any State that, in lieu of the requirement in paragraph (1) of section 1001(a) of this title, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.”

Subsec. (c)(2). Pub. L. 110-315, §102(d)(1)(B), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “The term ‘postsecondary vocational institution’ also includes an educational institution in any State that, in lieu of the requirement in paragraph (1) of section 1001(a) of this title, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.”

2006—Subsec. (a)(3)(A). Pub. L. 109-270 substituted “2302(3)(C) of this title” for “2471(4)(C) of this title”.

Pub. L. 109-171, §8002(1), inserted “(excluding courses offered by telecommunications as defined in section 1091(l)(4) of this title)” after “courses by correspondence”.

Subsec. (a)(3)(B). Pub. L. 109-171, §8002(2), inserted “(excluding courses offered by telecommunications as defined in section 1091(l)(4) of this title)” after “correspondence courses”.

2003—Subsec. (a)(2)(A). Pub. L. 108-98 amended subpar. (A) generally. Prior to amendment, subpar. (A) required the Secretary to establish criteria for approval of institutions outside the United States for purposes of par. (1)(C), including certain requirements for graduate medical or veterinary schools.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-152, title II, §2209(b)(2), Mar. 30, 2010, 124 Stat. 1078, provided that: “The amendments made by subparagraph (C) of paragraph (1) [amending this section] shall be effective on July 1, 2010, as if enacted as part of section 102(a)(1) of the Higher Education Opportunity Act (Public Law 110-315) and subject to section 102(e) of such Act as amended by section 101(a)(2) of Public Law 111-39 (20 U.S.C. 1002 note).”

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 I, §102(e), Aug. 14, 2008, 122 Stat. 3086, as amended by Pub. L. 111-39, title I, §101(a)(2), July 1, 2009, 123 Stat. 1935, provided that: “The amendments made by subsections (a)(1), (b), and (d) [amending this section] shall take effect on July 1, 2010, except that, with respect to foreign nursing schools that were eligible to participate in part B of title IV [20 U.S.C. 1071 et seq.] as of the day before the date of enactment of this Act [Aug. 14, 2008], the amendments made by subsection (a)(1)(D) [amending this section] shall take effect on July 1, 2012.”

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-171, title VIII, §8001(c), Feb. 8, 2006, 120 Stat. 155, provided that: “Except as otherwise provided in this subtitle [subtitle A (§§8001-8024) of title VIII of Pub. L. 109-171, see Short Title of 2006 Amendment note set out under section 1001 of this title] or the amendments made by this subtitle, the amendments made by this subtitle shall be effective July 1, 2006.”

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-98, §1(b), Oct. 10, 2003, 117 Stat. 1175, provided that: “This Act [amending this section] and the amendments made by this Act shall be effective as if enacted on October 1, 1998.”

CONSTRUCTION

Pub. L. 110-315, title I, §102(d)(2), Aug. 14, 2008, 122 Stat. 3086, provided that: “Nothing in the amendment made by paragraph (1)(A)(i) to section 102(b)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)(1)(A)) shall be construed to negate or supercede any State laws governing proprietary institutions of higher education.”

§ 1003. Additional definitions

In this chapter and part C of subchapter I of chapter 34 of title 42:

(1) Authorizing committees

The term “authorizing committees” means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

(2) Combination of institutions of higher education

The term “combination of institutions of higher education” means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on the group’s behalf.

(3) Critical foreign language

Except as otherwise provided, the term “critical foreign language” means each of the languages contained in the list of critical languages designated by the Secretary in the Federal Register on August 2, 1985 (50 Fed. Reg. 31412; promulgated under the authority of section 212(d) of the Education for Economic Security Act (repealed by section 2303 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988)), as updated by the Secretary from time to time and published in the Federal Register, except that in the implementation of this definition with respect to a specific title, the Secretary may set priorities according to the purposes of such title and the national security, economic competitiveness, and educational needs of the United States.

(4) Department

The term “Department” means the Department of Education.

(5) Diploma mill

The term “diploma mill” means an entity that—

(A)(i) offers, for a fee, degrees, diplomas, or certificates, that may be used to represent to the general public that the individual possessing such a degree, diploma, or certificate has completed a program of postsecondary education or training; and

(ii) requires such individual to complete little or no education or coursework to obtain such degree, diploma, or certificate; and

(B) lacks accreditation by an accrediting agency or association that is recognized as an accrediting agency or association of institutions of higher education (as such term is defined in section 1002 of this title) by—

(i) the Secretary pursuant to subpart 2 of part G of subchapter IV of this chapter; or

(ii) a Federal agency, State government, or other organization or association that recognizes accrediting agencies or associations.

(6) Disability

The term “disability” has the same meaning given that term under section 12102(2) of title 42.

(7) Distance education**(A) In general**

Except as otherwise provided, the term “distance education” means education that uses one or more of the technologies described in subparagraph (B)—

- (i) to deliver instruction to students who are separated from the instructor; and
- (ii) to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously.

(B) Inclusions

For the purposes of subparagraph (A), the technologies used may include—

- (i) the Internet;
- (ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;
- (iii) audio conferencing; or
- (iv) video cassettes, DVDs, and CD-ROMs, if the cassettes, DVDs, or CD-ROMs are used in a course in conjunction with any of the technologies listed in clauses (i) through (iii).

(8) Early childhood education program

The term “early childhood education program” means—

(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including a migrant or seasonal Head Start program, an Indian Head Start program, or a Head Start program or an Early Head Start program that also receives State funding;

(B) a State licensed or regulated child care program; or

(C) a program that—

(i) serves children from birth through age six that addresses the children’s cognitive (including language, early literacy, and early mathematics), social, emotional, and physical development; and

(ii) is—

(I) a State prekindergarten program;

(II) a program authorized under section 619 [20 U.S.C. 1419] or part C of the Individuals with Disabilities Education Act [20 U.S.C. 1431 et seq.]; or

(III) a program operated by a local educational agency.

(9) Elementary school

The term “elementary school” has the same meaning given that term under section 7801 of this title.

(10) Gifted and talented

The term “gifted and talented” has the same meaning given that term under section 7801 of this title.

(11) Local educational agency

The term “local educational agency” has the same meaning given that term under section 7801 of this title.

(12) New borrower

The term “new borrower” when used with respect to any date means an individual who on that date has no outstanding balance of principal or interest owing on any loan made, insured, or guaranteed under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42.

(13) Nonprofit

The term “nonprofit” as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(14) Poverty line

The term “poverty line” means the poverty line (as defined in section 9902(2) of title 42) applicable to a family of the size involved.

(15) School or department of divinity

The term “school or department of divinity” means an institution, or a department or a branch of an institution, the program of instruction of which is designed for the education of students—

(A) to prepare the students to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation); or

(B) to prepare the students to teach theological subjects.

(16) Secondary school

The term “secondary school” has the same meaning given that term under section 7801 of this title.

(17) Secretary

The term “Secretary” means the Secretary of Education.

(18) Service-learning

The term “service-learning” has the same meaning given that term under section 12511(23)¹ of title 42.

(19) Special education teacher

The term “special education teacher” means teachers who teach children with disabilities as defined in section 602 of the Individuals with Disabilities Education Act.

(20) State educational agency

The term “State educational agency” has the same meaning given that term under section 7801 of this title.

(21) State; Freely Associated States**(A) State**

The term “State” includes, in addition to the several States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States.

¹ See References in Text note below.

(B) Freely Associated States

The term “Freely Associated States” means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(22) State higher education agency

The term “State higher education agency” means the officer or agency primarily responsible for the State supervision of higher education.

(23) Universal design

The term “universal design” has the meaning given the term in section 3002 of title 29.

(24) Universal design for learning

The term “universal design for learning” means a scientifically valid framework for guiding educational practice that—

(A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and

(B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

(Pub. L. 89-329, title I, §103, as added Pub. L. 105-244, title I, §101(a), Oct. 7, 1998, 112 Stat. 1589; amended Pub. L. 107-110, title X, §1076(g), Jan. 8, 2002, 115 Stat. 2091; Pub. L. 110-315, title I, §103(a), Aug. 14, 2008, 122 Stat. 3086.)

REFERENCES IN TEXT

Section 212(d) of the Education for Economic Security Act, referred to in par. (3), is section 212(d) of title II of Pub. L. 98-377, Aug. 11, 1984, 98 Stat. 1282, which was classified to section 3972(d) of this title, prior to repeal by Pub. L. 100-297, title II, §2303, Apr. 28, 1988, 102 Stat. 324.

The Head Start Act, referred to in par. (8)(A), is subchapter B (§635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

The Individuals with Disabilities Education Act, referred to in par. (8)(C)(ii)(II), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175. Part C of the Act is classified generally to subchapter III (§1431 et seq.) of chapter 33 of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

Section 12511(23) of title 42, referred to in par. (18), was redesignated section 12511(40) by Pub. L. 111-13, title I, §1102(b)(1), Apr. 21, 2009, 123 Stat. 1467.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1141(b) of this title prior to repeal by Pub. L. 105-244.

A prior section 1003, Pub. L. 89-329, title I, §103, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 459; amended Pub. L. 103-208, §2(a)(1), Dec. 20, 1993, 107 Stat. 2457, related to authority to make grants under the school, college, and university partnership grant program, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1003, Pub. L. 89-329, title I, §103, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100

Stat. 1279, related to limitation on contract authority, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1003, Pub. L. 89-329, title I, §103, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1375, related to duties of the Commission on National Development in Postsecondary Education, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1003, Pub. L. 89-329, title I, §103, Nov. 8, 1965, 79 Stat. 1219; Pub. L. 92-318, title I, §102(a)(2), June 23, 1972, 86 Stat. 237; Pub. L. 94-482, title I, §101(b)(2), (g)(2), Oct. 12, 1976, 90 Stat. 2084, 2086; Pub. L. 95-43, §1(a)(1), June 15, 1977, 91 Stat. 213; Pub. L. 96-96, §1, Oct. 31, 1979, 93 Stat. 729, provided for the allotment of funds to States, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1004, Pub. L. 89-329, title I, §104, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 460; amended Pub. L. 103-208, §2(a)(2), Dec. 20, 1993, 107 Stat. 2457, related to grant applications, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1004, Pub. L. 89-329, title I, §104, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1376, related to administrative provisions and powers of Commission on National Development in Postsecondary Education, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1004, Pub. L. 89-329, title I, §104, Nov. 8, 1965, 79 Stat. 1220; Pub. L. 94-482, title I, §101(b)(3), Oct. 12, 1976, 90 Stat. 2084; Pub. L. 95-43, §1(a)(2), June 15, 1977, 91 Stat. 213, described the allowable uses of States' allotments of funds, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1005, Pub. L. 89-329, title I, §105, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 461, related to peer review of applications, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1005, Pub. L. 89-329, title I, §105, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1377, authorized appropriations, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1005, Pub. L. 89-329, title I, §105, Nov. 8, 1965, 79 Stat. 1220; Pub. L. 90-575, title II, §202, Oct. 16, 1968, 82 Stat. 1036; Pub. L. 94-482, title I, §101(b)(4)-(10), (g)(2), Oct. 12, 1976, 90 Stat. 2084-2086; Pub. L. 95-43, §1(a)(3), (b)(1), (2), June 15, 1977, 91 Stat. 213, 218, set out the requisite features of State plans, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1005a, Pub. L. 89-329, title I, §106, as added Pub. L. 92-318, title I, §102(a)(1), June 23, 1972, 86 Stat. 237; amended Pub. L. 94-482, title I, §101(g)(2), Oct. 12, 1976, 90 Stat. 2086, provided for special programs and projects relating to national and regional problems, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1006, Pub. L. 89-329, title I, §106, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 461, authorized appropriations, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1006, Pub. L. 89-329, title I, §107, formerly §106, Nov. 8, 1965, 79 Stat. 1221; Pub. L. 90-575, title II, §203(a), Oct. 16, 1968, 82 Stat. 1036, renumbered Pub. L. 92-318, title I, §102(a)(1), June 23, 1972, 86 Stat. 236, and amended Pub. L. 94-482, title I, §101(c), (g)(2), Oct. 12, 1976, 90 Stat. 2085, 2086, related to payment and method of payment of funds, prior to the general amendment of this subchapter by Pub. L. 96-374.

Prior sections 1007 to 1010 were omitted in the general amendment of this subchapter by Pub. L. 96-374.

Section 1007, Pub. L. 89-329, title I, §108, formerly §107, Nov. 8, 1965, 79 Stat. 1222, renumbered Pub. L. 92-318, title I, §102(a)(1), June 23, 1972, 86 Stat. 236, and amended Pub. L. 94-482, title I, §101(g)(2), Oct. 12, 1976, 90 Stat. 2086, related to disapproval of State plans, notice and hearing, findings of Commissioner of Education, and notification to State of noneligibility.

Section 1008, Pub. L. 89-329, title I, §109, formerly §108, Nov. 8, 1965, 79 Stat. 1222, renumbered Pub. L. 92-318, title I, §102(a)(1), June 23, 1972, 86 Stat. 236, and amended Pub. L. 94-482, title I, §101(d), Oct. 12, 1976, 90 Stat. 2085, provided for judicial review of actions of Commissioner of Education and scope of that review.

Section 1008a, Pub. L. 89-329, title I, §110, as added Pub. L. 93-29, title VIII, §803, May 3, 1973, 87 Stat. 59, and amended Pub. L. 94-135, title II, §201, Nov. 28, 1975, 89 Stat. 726; Pub. L. 94-482, title I, §101(g)(2), Oct. 12, 1976, 90 Stat. 2086, provided for programs and projects relating to problems of the elderly.

Section 1008b, Pub. L. 89-329, title I, §111, as added Pub. L. 94-482, title I, §101(e), Oct. 12, 1976, 90 Stat. 2085, related to technical assistance and administration.

Section 1009, Pub. L. 89-329, title I, §112, formerly §109, Nov. 8, 1965, 79 Stat. 1223; Pub. L. 91-230, title IV, §401(h)(4), Apr. 13, 1970, 84 Stat. 174, renumbered §110, Pub. L. 92-318, title I, §102(a)(1), June 23, 1972, 86 Stat. 236, renumbered §111, Pub. L. 93-29, title VIII, §803, May 3, 1973, 87 Stat. 59; Pub. L. 93-380, title VIII, §831, Aug. 21, 1974, 88 Stat. 603; Pub. L. 93-644, §9(a), Jan. 4, 1975, 88 Stat. 2310, renumbered §112 and amended Pub. L. 94-482, title I, §101(e), (f)(1), (g)(2), Oct. 12, 1976, 90 Stat. 2085, 2086; 1977 Reorg. Plan No. 2, §7(a)(13), 42 F.R. 62461, 91 Stat. 1637, provided for creation of a National Advisory Council on Extension and Continuing Education.

Section 1010, Pub. L. 89-329, title I, §113, formerly §110, Nov. 8, 1965, 79 Stat. 1224, renumbered §111, Pub. L. 92-318, title I, §102(a)(1), June 23, 1972, 86 Stat. 236, renumbered §112, Pub. L. 93-29, title VIII, §803, May 3, 1973, 87 Stat. 59, renumbered §113 and amended Pub. L. 94-482, title I, §101(e), (f)(2), Oct. 12, 1976, 90 Stat. 2085, 2086, directed that nothing in the section be held to modify any authority under the Smith-Lever Act, section 341 et seq. of Title 7, Agriculture.

AMENDMENTS

2008—Pub. L. 110-315, §103(a)(2), reordered pars. in alphabetical order based on headings of pars. and renumbered pars. as so reordered, resulting in pars. (1) to (22) being redesignated as (2), (4), (6), (9) to (13), (15) to (20), (22), (21), (1), (3), (7), (5), (8), and (14), respectively.

Pars. (17) to (24). Pub. L. 110-315, §103(a)(1), added pars. (17) to (24).

2002—Pars. (4) to (6), (10), (14). Pub. L. 107-110 substituted “7801” for “8801”.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

PART B—ADDITIONAL GENERAL PROVISIONS

§ 1011. Antidiscrimination

(a) In general

Institutions of higher education receiving Federal financial assistance may not use such financial assistance, directly or indirectly, to undertake any study or project or fulfill the terms of any contract containing an express or implied provision that any person or persons of a particular race, religion, sex, or national origin be barred from performing such study, project, or contract, except that nothing in this subsection shall be construed to prohibit an institution from conducting objective studies or projects

concerning the nature, effects, or prevention of discrimination, or to have the institution’s curriculum restricted on the subject of discrimination.

(b) Limitations on statutory construction

Nothing in this chapter and part C of subchapter I of chapter 34 of title 42 shall be construed to limit the rights or responsibilities of any individual under the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.], the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], or any other law.

(Pub. L. 89-329, title I, §111, as added Pub. L. 105-244, title I, §101(a), Oct. 7, 1998, 112 Stat. 1590; amended Pub. L. 111-39, title I, §101(b)(2), July 1, 2009, 123 Stat. 1935.)

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (b), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (b), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1142 of this title prior to repeal by Pub. L. 105-244.

A prior section 1011, Pub. L. 89-329, title I, §121, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 461, stated congressional findings and purposes of articulation agreements grant program, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1011, Pub. L. 89-329, title I, §111, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1279, related to institutional development, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1011, Pub. L. 89-329, title I, §111, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1377, stated Congressional findings with respect to education outreach programs, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1011, Pub. L. 89-329, title I, §114, formerly §111, Nov. 8, 1965, 79 Stat. 1224, renumbered §112 and amended Pub. L. 92-318, title I, §§102(a)(1), 131(d)(2)(A), June 23, 1972, 86 Stat. 236, 260, renumbered §113, Pub. L. 93-29, title VIII, §803, May 3, 1973, 87 Stat. 59, renumbered §114, Pub. L. 94-482, title I, §101(e), Oct. 12, 1976, 90 Stat. 2085, prohibited the giving of grants for programs relating to sectarian instruction or worship, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2009—Subsec. (b). Pub. L. 111-39 substituted “with” for “With”.

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.