

ation Act of 1990 [Pub. L. 101-508, amending this section and section 1091 of this title and enacting provisions set out as a note above] is repealed. Sections 484(d) and 481(b) of the Act [20 U.S.C. 1091(d), 1088(b)] shall be applied as if such section 3005 had not been enacted.”

#### NEED-BASED AID

Pub. L. 102-325, title XV, §1544, July 23, 1992, 106 Stat. 837, authorized institutions of higher education to voluntarily agree with other such institutions to award financial aid not awarded under this chapter to students attending such institutions only on basis of demonstrated financial need for such aid, and to discuss and adopt principles of professional judgment for determining student financial need for such aid, with exceptions for cases pending on July 23, 1992, and for discussions or agreements on prospective financial aid awards to specific common applicants, and provided that such authorization was to expire on Sept. 30, 1994, prior to repeal by Pub. L. 103-382, title V, §568(e)(2), Oct. 20, 1994, 108 Stat. 4061. See section 568(a)-(d) of Pub. L. 103-382, set out as a note under section 1 of Title 15, Commerce and Trade.

#### § 1088a. Clock and credit hour treatment of diploma nursing schools

Notwithstanding any other provision of this chapter and part C of subchapter I of chapter 34 of title 42, any regulations promulgated by the Secretary concerning the relationship between clock hours and semester, trimester, or quarter hours in calculating student grant, loan, or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42, shall not apply to a public or private nonprofit hospital-based school of nursing that awards a diploma at the completion of the school's program of education.

(Pub. L. 89-329, title IV, §481A, as added Pub. L. 103-382, title III, §360(a), Oct. 20, 1994, 108 Stat. 3969.)

#### PRIOR PROVISIONS

Prior sections 1088a to 1088g were omitted in the general amendment of this part by Pub. L. 96-374.

Section 1088a, Pub. L. 89-329, title IV, §492, formerly §462, as added Pub. L. 90-575, title I, §151, Oct. 16, 1968, 82 Stat. 1032; renumbered §492, Pub. L. 92-318, title I, §137(b), June 23, 1972, 86 Stat. 272, related to the eligibility of residents of the Trust Territory of the Pacific Islands. See section 1091(b) of this title.

Section 1088b, Pub. L. 89-329, title IV, §493, formerly §463, as added Pub. L. 90-575, title I, §152, Oct. 16, 1968, 82 Stat. 1033; renumbered §493, Pub. L. 92-318, title I, §137(b), June 23, 1972, 86 Stat. 272; amended Pub. L. 94-482, title I, §131(a), Oct. 12, 1976, 90 Stat. 2147; Pub. L. 95-43, §1(a)(40), June 15, 1977, 91 Stat. 217, related to administration expenses. See section 1096 of this title.

Section 1088b-1, Pub. L. 89-329, title IV, §493A, as added Pub. L. 94-482, title I, §131(b), Oct. 12, 1976, 90 Stat. 2148, related to institutional and financial assistance information for students. See section 1092 of this title.

Section 1088b-2, Pub. L. 89-329, title IV, §493B, as added Pub. L. 94-482, title I, §131(b), Oct. 12, 1976, 90 Stat. 2149, related to student aid information services.

Section 1088b-3, Pub. L. 89-329, title IV, §493C, as added Pub. L. 94-482, title I, §131(b), Oct. 12, 1976, 90 Stat. 2149, related to the student financial assistance training program.

Section 1088c, Pub. L. 89-329, title IV, §494, formerly §464, as added Pub. L. 90-575, title I, §152, Oct. 16, 1968, 82 Stat. 1033; renumbered §494 and amended Pub. L. 92-318, title I, §§137(b), 138(a), June 23, 1972, 86 Stat. 272, 280, related to maintenance of effort requirement.

Section 1088d, Pub. L. 89-329, title IV, §495, as added Pub. L. 92-318, title I, §139, June 23, 1972, 86 Stat. 280;

amended S. Res. 4, Feb. 4, 1977; S. Res. 30, Mar. 7, 1979, related to requirement that copies of rules, regulations, instructions, and application forms be supplied to Congressional committees. See section 1090(b) of this title.

Section 1088e, Pub. L. 89-329, title IV, §496, as added Pub. L. 92-318, title I, §139A(a), June 23, 1972, 86 Stat. 281, related to transfer of funds between programs. See section 1095 of this title.

Section 1088f, Pub. L. 89-329, title IV, §497, as added Pub. L. 92-318, title I, §139B(a), June 23, 1972, 86 Stat. 281; amended Pub. L. 94-482, title I, §132, Oct. 12, 1976, 90 Stat. 2150; Pub. L. 95-566, §7, Nov. 1, 1978, 92 Stat. 2404, related to eligibility for student assistance. See section 1091 of this title.

Section 1088f-1, Pub. L. 89-329, title IV, §497A, as added Pub. L. 94-482, title I, §133(a), Oct. 12, 1976, 90 Stat. 2150; amended Pub. L. 95-43, §1(a)(41), June 15, 1977, 91 Stat. 217; Pub. L. 95-561, title XII, §1231(b), Nov. 1, 1978, 92 Stat. 2346, related to fiscal eligibility of institutions.

Section 1088g, Pub. L. 89-329, title IV, §498, as added Pub. L. 92-318, title I, §139C(a), June 23, 1972, 86 Stat. 282, related to requirement of an affidavit of educational purpose.

#### EFFECTIVE DATE

Pub. L. 103-382, title III, §360(b), Oct. 20, 1994, 108 Stat. 3969, provided that: “Subsection (a) [enacting this section] and the amendment made by subsection (a) shall take effect on July 1, 1994.”

#### § 1089. Master calendar

##### (a) Secretary required to comply with schedule

To assure adequate notification and timely delivery of student aid funds under this subchapter and part C of subchapter I of chapter 34 of title 42, the Secretary shall adhere to the following calendar dates in the year preceding the award year:

(1) Development and distribution of Federal and multiple data entry forms—

(A) by February 1: first meeting of the technical committee on forms design of the Department;

(B) by March 1: proposed modifications, updates, and notices pursuant to sections 1087rr and 1090(a)(5) of this title published in the Federal Register;

(C) by June 1: final modifications, updates, and notices pursuant to sections 1087rr and 1090(a)(5) of this title published in the Federal Register;

(D) by August 15: application for Federal student assistance and multiple data entry data elements and instructions approved;

(E) by August 30: final approved forms delivered to servicers and printers;

(F) by October 1: Federal and multiple data entry forms and instructions printed; and

(G) by November 1: Federal and multiple data entry forms, instructions, and training materials distributed.

(2) Allocations of campus-based and Pell Grant funds—

(A) by August 1: distribution of institutional application for campus-based funds (FISAP) to institutions;

(B) by October 1: final date for submission of FISAP by institutions to the Department;

(C) by November 15: edited FISAP and computer printout received by institutions;

(D) by December 1: appeals procedures received by institutions;

(E) by December 15: edits returned by institutions to the Department;

(F) by February 1: tentative award levels received by institutions and final Pell Grant payment schedule;

(G) by February 15: closing date for receipt of institutional appeals by the Department;

(H) by March 1: appeals process completed;

(I) by April 1: final award notifications sent to institutions; and

(J) by June 1: Pell Grant authorization levels sent to institutions.

(3) The Secretary shall, to the extent practicable, notify eligible institutions, guaranty agencies, lenders, interested software providers, and, upon request, other interested parties, by December 1 prior to the start of an award year of minimal hardware and software requirements necessary to administer programs under this subchapter and part C of subchapter I of chapter 34 of title 42.

(4) The Secretary shall attempt to conduct training activities for financial aid administrators and others in an expeditious and timely manner prior to the start of an award year in order to ensure that all participants are informed of all administrative requirements.

#### (b) Timing for reallocations

With respect to any funds reallocated under section 1070b-3(d) of this title, section 2752(d) of title 42, or section 1087bb(i) of this title, the Secretary shall reallocate such funds at any time during the course of the year that will best meet the purpose of the programs under subpart 3 of part A of this subchapter, part C of subchapter I of chapter 34 of title 42, and part D of this subchapter, respectively. However, such reallocation shall occur at least once each year, not later than September 30 of that year.

#### (c) Delay of effective date of late publications

(1) Except as provided in paragraph (2), any regulatory changes initiated by the Secretary affecting the programs under this subchapter and part C of subchapter I of chapter 34 of title 42 that have not been published in final form by November 1 prior to the start of the award year shall not become effective until the beginning of the second award year after such November 1 date.

(2)(A) The Secretary may designate any regulatory provision that affects the programs under this subchapter and part C of subchapter I of chapter 34 of title 42 and is published in final form after November 1 as one that an entity subject to the provision may, in the entity's discretion, choose to implement prior to the effective date described in paragraph (1). The Secretary may specify in the designation when, and under what conditions, an entity may implement the provision prior to that effective date. The Secretary shall publish any designation under this subparagraph in the Federal Register.

(B) If an entity chooses to implement a regulatory provision prior to the effective date described in paragraph (1), as permitted by subparagraph (A), the provision shall be effective with respect to that entity in accordance with the terms of the Secretary's designation.

#### (d) Notice to Congress

The Secretary shall notify the authorizing committees when a deadline included in the calendar described in subsection (a) of this section is not met. Nothing in this section shall be interpreted to penalize institutions or deny them the specified times allotted to enable them to return information to the Secretary based on the failure of the Secretary to adhere to the dates specified in this section.

#### (e) Compliance calendar

Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports and disclosures required under this chapter and part C of subchapter I of chapter 34 of title 42. The list shall include—

(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;

(2) the required recipients of each report or disclosure;

(3) any required method for transmittal or dissemination of each report or disclosure;

(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;

(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and

(6) any other information which is pertinent to the content or distribution of the report or disclosure.

(Pub. L. 89-329, title IV, §482, as added Pub. L. 99-498, title IV, §407(a), Oct. 17, 1986, 100 Stat. 1477; amended Pub. L. 100-50, §15(2), June 3, 1987, 101 Stat. 355; Pub. L. 102-325, title IV, §482, July 23, 1992, 106 Stat. 612; Pub. L. 103-208, §2(h)(7), Dec. 20, 1993, 107 Stat. 2476; Pub. L. 104-66, title I, §1042(b), Dec. 21, 1995, 109 Stat. 715; Pub. L. 105-244, title IV, §481, Oct. 7, 1998, 112 Stat. 1732; Pub. L. 110-315, title I, §103(b)(9), title IV, §482(a), Aug. 14, 2008, 122 Stat. 3089, 3271; Pub. L. 111-39, title IV, §407(b)(2), July 1, 2009, 123 Stat. 1950.)

#### PRIOR PROVISIONS

A prior section 1089, Pub. L. 89-329, title IV, §482, as added Pub. L. 96-374, title IV, §451(a), Oct. 3, 1980, 94 Stat. 1445; amended Pub. L. 97-35, title V, §533(a)(1), (2), (b), Aug. 13, 1981, 95 Stat. 453; Pub. L. 99-272, title XVI, §16031, Apr. 7, 1986, 100 Stat. 354, related to analysis of student's need for financial assistance, prior to the general revision of this part by Pub. L. 99-498.

Another prior section 1089, Pub. L. 89-329, title IV, §499, formerly §469, as added Pub. L. 90-575, title I, §151, Oct. 16, 1968, 82 Stat. 1032; amended Pub. L. 91-230, title IV, §401(h)(4), Apr. 13, 1970, 84 Stat. 174; renumbered Pub. L. 92-318, title I, §137(b), June 23, 1972, 86 Stat. 272, related to the Advisory Council on Financial Aid to Students, prior to the general revision of this part by Pub. L. 96-374.

#### AMENDMENTS

2009—Subsec. (b). Pub. L. 111-39 substituted “section 1070b-3(d) of this title, section 2752(d) of title 42, or section 1087bb(i) of this title” for “section 1070b-3(e) of this title, section 2752(e) of title 42, or section 1087bb(j) of this title”.

2008—Subsec. (a)(1)(B), (C). Pub. L. 110-315, § 482(a)(1), added subpars. (B) and (C) and struck out former subpars. (B) and (C) which read as follows:

“(B) by March 1: proposed modifications and updates pursuant to section 1087rr of this title published in the Federal Register;

“(C) by June 1: final modifications and updates pursuant to section 1087rr of this title published in the Federal Register;”.

Subsec. (d). Pub. L. 110-315, § 103(b)(9), substituted “authorizing committees” for “Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives”.

Subsec. (e). Pub. L. 110-315, § 482(a)(2), added subsec. (e).

1998—Subsec. (a)(3), (4). Pub. L. 105-244, § 481(a), added pars. (3) and (4).

Subsec. (c). Pub. L. 105-244, § 481(b), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “Any regulatory changes initiated by the Secretary affecting the programs pursuant to this subchapter and part C of subchapter I of chapter 34 of title 42 that have not been published in final form by December 1 prior to the start of the award year shall not become effective until the beginning of the second award year after such December 1 date. For award year 1994-95, this subsection shall not require a delay in the effectiveness of regulatory changes affecting this part and parts B and G of this subchapter that are published in final form by May 1, 1994.”

1995—Subsec. (d). Pub. L. 104-66, in first sentence substituted “a deadline included in the calendar described in subsection (a) of this section is not met” for “the items specified in the calendar have been completed and provide all relevant forms, rules, and instructions with such notice” and after first sentence struck out “When a deadline included in the calendar is not met, the Secretary, within 7 days, shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a written report, including proper documentation, as to why the deadline was not adhered to and a detailed plan for ensuring that subsequent dates are met.”

1993—Subsec. (c). Pub. L. 103-208 inserted at end “For award year 1994-95, this subsection shall not require a delay in the effectiveness of regulatory changes affecting this part and parts B and G of this subchapter that are published in final form by May 1, 1994.”

1992—Subsec. (a)(1)(B), (C). Pub. L. 102-325, § 482(b)(1), substituted “section 1087rr” for “sections 1070a-5 and 1087rr”.

Subsec. (b). Pub. L. 102-325, § 482(b)(2), substituted “subpart 3” for “subpart 2”.

Subsec. (c). Pub. L. 102-325, § 482(a), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “Any additional regulatory changes initiated by the Secretary affecting the general administration of the programs pursuant to this subchapter and part C of subchapter I of chapter 34 of title 42 that have not been published in final form by December 1 prior to the start of the award year shall not become effective until the beginning of the second award year after the December 1 date.”

1987—Subsec. (b). Pub. L. 100-50 inserted reference to section 1087bb(j) of this title and part D of this subchapter.

#### EFFECTIVE DATE OF 2009 AMENDMENT

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

#### EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-315, title IV, § 482(b), Aug. 14, 2008, 122 Stat. 3272, provided that: “The amendment made by subsection (a)(1) [amending this section] shall take effect on July 1, 2010.”

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of this title.

#### EFFECTIVE DATE OF 1987 AMENDMENT

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

#### INAPPLICABILITY OF MASTER CALENDAR AND NEGOTIATED RULEMAKING REQUIREMENTS

Pub. L. 112-141, div. F, title III, § 100302(b), July 6, 2012, 126 Stat. 980, provided that: “Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the amendment made by subsection (a) [amending section 1087e of this title], or to any regulations promulgated under such amendment.”

Pub. L. 112-74, div. F, title III, § 309(h), Dec. 23, 2011, 125 Stat. 1103, provided that: “Sections 482(c) and 492 of the HEA (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by this section [amending sections 1001, 1070a, 1078, 1087-1, 1087ss, and 1091 of this title and enacting provisions set out as notes under sections 1001, 1078, and 1091 of this title], or to any regulations promulgated under those amendments.”

Pub. L. 112-25, title V, § 504, Aug. 2, 2011, 125 Stat. 267, provided that: “Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by this title [amending sections 1070a and 1087e of this title], or to any regulations promulgated under those amendments.”

Pub. L. 112-10, div. B, title VIII, § 1860(c), Apr. 15, 2011, 125 Stat. 170, provided that: “Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by subsection (a)(2) [amending section 1070a of this title], or to any regulations promulgated under those amendments.”

Pub. L. 111-39, title IV, § 409, July 1, 2009, 123 Stat. 1953, provided that: “Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to the amendments made by this title [see Tables for classification], or to any regulations promulgated under those amendments.”

Pub. L. 110-315, title IV, § 402(b), Aug. 14, 2008, 122 Stat. 3191, provided that: “Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to the amendments made by subsection (a) [amending section 1070a-1 of this title], or to any regulations promulgated under those amendments.”

Pub. L. 110-227, § 11, May 7, 2008, 122 Stat. 752, as amended by Pub. L. 110-315, title IV, § 402(c)(1), Aug. 14, 2008, 122 Stat. 3191, provided that: “Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to amendments made by this Act [see Tables for classification], or to any regulations promulgated under such amendments.”

[Pub. L. 110-315, title IV, § 402(c)(2), Aug. 14, 2008, 122 Stat. 3191, provided that: “The amendment made by paragraph (1) [amending section 11 of Pub. L. 110-227, set out above] shall take effect as if enacted as part of the Ensuring Continued Access to Student Loans Act of 2008 [Pub. L. 110-227].”]

#### ESTABLISHMENT OF SEPARATE SYSTEMS OF NEED ANALYSIS FOR ACADEMIC YEARS 1983-1984 THROUGH 1987-1988

Pub. L. 97-301, § 4, Oct. 13, 1982, 96 Stat. 1400, as amended by Pub. L. 98-79, § 4(a), Aug. 15, 1983, 97 Stat.

480; Pub. L. 98-511, title VII, §707(3), Oct. 19, 1984, 98 Stat. 2407; Pub. L. 99-498, title IV, §408(a)(1), Oct. 17, 1986, 100 Stat. 1495, which required Secretary of Education to establish or approve separate systems of need analysis for the academic years 1983-1984, 1984-1985, 1985-1986, 1986-1987, and 1987-1988 for the programs authorized under subpart 2 [now 3] of part A [20 U.S.C. 1070b et seq.], part C [42 U.S.C. 2751 et seq.], and part E [20 U.S.C. 1087aa et seq.] of title IV of the Higher Education Act of 1965, 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.

**DETERMINATION OF INDEPENDENT STUDENT STATUS FOR ACADEMIC YEARS 1982-1983 THROUGH 1987-1988**

Pub. L. 97-301, §6, Oct. 13, 1982, 96 Stat. 1400, as amended by Pub. L. 98-79, §4(a), Aug. 15, 1983, 97 Stat. 481; Pub. L. 98-516, title VII, §707(3), Oct. 19, 1984, 98 Stat. 2407; Pub. L. 99-498, title IV, §408(a)(1), Oct. 17, 1986, 100 Stat. 1495, which provided that notwithstanding any rule or regulation, the criteria for the determination of independent student status, prescribed under subsec. (c)(2) of this section, in effect for academic year 1982-1983, was to be the criteria for such determinations for each of the academic years 1983-1984, 1984-1985, 1985-1986, 1986-1987, and 1987-1988, 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.

**§ 1090. Forms and regulations**

**(a) Common financial aid form development and processing**

**(1) In general**

The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance under parts A through D of this subchapter and part C of subchapter I of chapter 34 of title 42 (other than under subpart 4 of part A of this subchapter). The forms shall be made available to applicants in both paper and electronic formats and shall be referred to as the "Free Application for Federal Student Aid" or the "FAFSA". The Secretary shall work to make the FAFSA consumer-friendly and to make questions on the FAFSA easy for students and families to read and understand, and shall ensure that the FAFSA is available in formats accessible to individuals with disabilities.

**(2) Paper format**

**(A) In general**

The Secretary shall develop, make available, and process—

- (i) a paper version of EZ FAFSA, as described in subparagraph (B); and
- (ii) a paper version of the other forms described in this subsection, in accordance with subparagraph (C), for any applicant who does not meet the requirements of or does not wish to use the process described in subparagraph (B).

**(B) EZ FAFSA**

**(i) In general**

The Secretary shall develop and use, after appropriate field testing, a simplified

paper form, to be known as the EZ FAFSA, to be used for applicants meeting the requirements of subsection (b) or (c) of section 1087ss of this title.

**(ii) Reduced data requirements**

The EZ FAFSA shall permit an applicant to submit, for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsection (b) or (c) of section 1087ss of this title.

**(iii) State data**

The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (5), except that the Secretary shall not include a State's data if that State does not permit the State's resident applicants to use the EZ FAFSA for State assistance.

**(iv) Free availability and processing**

The provisions of paragraph (6) shall apply to the EZ FAFSA, and the data collected by means of the EZ FAFSA shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (10).

**(C) Promoting the use of electronic FAFSA**

**(i) In general**

The Secretary shall make all efforts to encourage all applicants to utilize the electronic version of the forms described in paragraph (3).

**(ii) Maintenance of the FAFSA in a printable electronic file**

The Secretary shall maintain a version of the paper forms described in subparagraphs (A) and (B) in a printable electronic file that is easily portable, accessible, and downloadable to students on the same website used to provide students with the electronic version of the forms described in paragraph (3).

**(iii) Requests for printed copy**

The Secretary shall provide a printed copy of the full paper version of FAFSA upon request.

**(iv) Reporting requirement**

The Secretary shall maintain data, and periodically report to Congress, on the impact of the digital divide on students completing applications for aid under this subchapter and part C of subchapter I of chapter 34 of title 42. The Secretary shall report on the steps taken to eliminate the digital divide and reduce production of the paper form described in subparagraph (A). The Secretary's report shall specifically address the impact of the digital divide on the following student populations:

- (I) Independent students.
- (II) Traditionally underrepresented students.
- (III) Dependent students.