

see section 701(b) of Pub. L. 116-260, set out as a note under section 1001 of this title.

EFFECTIVE DATE OF 2014 AMENDMENT

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

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-84, title VI, §603(b), Sept. 27, 2007, 121 Stat. 806, as amended by Pub. L. 110-315, title IV, §472(b), Aug. 14, 2008, 122 Stat. 3270, provided that: “The amendments made by this section [amending this section] shall take effect on the date of enactment of the Higher Education Opportunity Act [Aug. 14, 2008].”

EFFECTIVE DATE OF 1998 AMENDMENT

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

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 1992 AMENDMENT

Amendment by Pub. L. 102-325 applicable with respect to determinations of need under this part for award years beginning on or after July 1, 1993, see section 471(a) of Pub. L. 102-325, set out as a note under section 1087kk of this title.

EFFECTIVE DATE

Section 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 an Effective Date of 1987 Amendment note under section 1001 of this title.

§ 1087uu. Disregard of student aid in other Federal programs

Notwithstanding any other provision of law, student financial assistance received under this subchapter, or under Bureau of Indian Affairs student assistance programs, shall not be taken into account in determining the need or eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds.

(Pub. L. 89-329, title IV, §479B, as added Pub. L. 100-50, §14(27), June 3, 1987, 101 Stat. 353; amended Pub. L. 102-325, title IV, §471(a), July 23, 1992, 106 Stat. 606; Pub. L. 116-260, div. FF, title VII, §702(j), Dec. 27, 2020, 134 Stat. 3160.)

AMENDMENT OF SECTION

Pub. L. 116-260, div. FF, title VII, §§701(b), 702(j), Dec. 27, 2020, 134 Stat. 3137, 3160, provided that, effective July 1, 2023, except as otherwise expressly provided, and applicable with respect to award year 2023-2024 and each subsequent award year, as determined under this chapter, this section is amended to read as follows:

§1087uu. Disregard of student aid in other programs

Notwithstanding any other provision of law, student financial assistance received under this subchapter, Bureau of Indian Education student as-

istance programs, and employment and training programs under section 3174 of title 29 shall not be taken into account in determining the need or eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds.

See 2020 Amendment note below.

Editorial Notes

PRIOR PROVISIONS

A prior section 1087uu, Pub. L. 89-329, title IV, §479B, as added Pub. L. 99-498, title IV, §406(a), Oct. 17, 1986, 100 Stat. 1472, related to exclusion of student financial assistance for attendance costs in determining student eligibility for assistance under any other program funded in whole or part with Federal funds, prior to repeal by section 14(27) of Pub. L. 100-50.

AMENDMENTS

2020—Pub. L. 116-260 amended section generally. Prior to amendment, text read as follows: “Notwithstanding any other provision of law, student financial assistance received under this subchapter, or under Bureau of Indian Affairs student assistance programs, shall not be taken into account in determining the need or eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds.”

1992—Pub. L. 102-325 amended section generally, revising and restating as a single paragraph provisions formerly contained in subsec. (a) which proscribed consideration of aid for attendance costs as income or resources, and in subsec. (b) which delineated elements of attendance costs.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116-260 effective July 1, 2023, except as otherwise expressly provided, and applicable with respect to award year 2023-2024 and each subsequent award year, as determined under this chapter, see section 701(b) of Pub. L. 116-260, set out as a note under section 1001 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 applicable with respect to determinations of need under this part for award years beginning on or after July 1, 1993, see section 471(b) of Pub. L. 102-325, set out as a note under section 1087kk of this title.

EFFECTIVE DATE

Section 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 an Effective Date of 1987 Amendment note under section 1001 of this title.

Section applicable with respect to financial assistance provided for any academic year beginning after Oct. 17, 1986, see section 406(b)(4) of Pub. L. 99-498, as amended, set out as a note under section 1087kk of this title.

§ 1087uu-1. Native American students

In determining family contributions for Native American students, computations performed pursuant to this part shall exclude—

- (1) any income and assets of \$2,000 or less per individual payment received by the student (and spouse) and student’s parents under Public Law 98-64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly known as the “Per Capita

Act”) or the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and

(2) any income received by the student (and spouse) and student’s parents under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) or the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721 et seq.).¹

(Pub. L. 89-329, title IV, §479C, as added Pub. L. 100-50, §14(27), June 3, 1987, 101 Stat. 353; amended Pub. L. 102-325, title IV, §471(a), July 23, 1992, 106 Stat. 606; Pub. L. 111-39, title IV, §406(a)(5), July 1, 2009, 123 Stat. 1949; Pub. L. 116-260, div. FF, title VII, §702(k), Dec. 27, 2020, 134 Stat. 3160.)

AMENDMENT OF SECTION

Pub. L. 116-260, div. FF, title VII, §§701(b), 702(k), Dec. 27, 2020, 134 Stat. 3137, 3160, provided that, effective July 1, 2023, except as otherwise expressly provided, and applicable with respect to award year 2023-2024 and each subsequent award year, as determined under this chapter, this section is amended to read as follows:

§1087uu-1. Native American students

(a) In general

In determining the student aid index for Native American students, computations performed pursuant to this part shall exclude—

(1) any income and assets of \$2,000 or less per individual payment received by the student (and spouse) and student’s parents under Public Law 98-64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly known as the “Per Capita Act”) or the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and

(2) any income received by the student (and spouse) and student’s parents under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) or the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721 et seq.).

(b) Guidance

The Secretary shall develop guidance, in consultation with Tribal Colleges and Universities (as defined in section 1059c of this title) and the State higher education agency in Alaska and Maine, to implement the determination under subsection (a) without adding additional questions to the FAFSA, including through the use of the authority under section 1087tt of this title.

See 2020 Amendment note below.

Editorial Notes

REFERENCES IN TEXT

Public Law 98-64, referred to in par. (1), is Pub. L. 98-64, Aug. 2, 1983, 97 Stat. 365, commonly known as the Per Capita Act, which enacted sections 117a to 117c of Title 25, Indians, and repealed section 117 of Title 25. For complete classification of this Act to the Code, see Tables.

The Indian Tribal Judgment Funds Use or Distribution Act, referred to in par. (1), is Pub. L. 93-134, Oct. 19, 1973, 87 Stat. 466, which is classified generally to chapter 16 (§1401 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see section 1401(c) of Title 25 and Tables.

¹ See References in Text note below.

The Alaska Native Claims Settlement Act, referred to in par. (2), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Maine Indian Claims Settlement Act of 1980, referred to in par. (2), is Pub. L. 96-420, Oct. 10, 1980, 94 Stat. 1785, which was classified generally to subchapter II (§1721 et seq.) of chapter 19 of Title 25, Indians, and was omitted from the Code as being of special and not general application.

AMENDMENTS

2020—Pub. L. 116-260 amended section generally. Prior to amendment, text read as follows: “In determining family contributions for Native American students, computations performed pursuant to this part shall exclude—

“(1) any income and assets of \$2,000 or less per individual payment received by the student (and spouse) and student’s parents under Public Law 98-64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly known as the ‘Per Capita Act’) or the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and

“(2) any income received by the student (and spouse) and student’s parents under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) or the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721 et seq.).”

2009—Par. (1), Pub. L. 111-39, §406(a)(5)(A), substituted “under Public Law 98-64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly known as the ‘Per Capita Act’) or the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and” for “under the Per Capita Act or the Distribution of Judgment Funds Act; and”.

Par. (2), Pub. L. 111-39, §406(a)(5)(B), substituted “Alaska” for “Alaskan” and inserted “(43 U.S.C. 1601 et seq.)” after “Native Claims Settlement Act” and “of 1980 (25 U.S.C. 1721 et seq.)” after “Maine Indian Claims Settlement Act”.

1992—Pub. L. 102-325 amended section generally, reenacting provisions without change.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116-260 effective July 1, 2023, except as otherwise expressly provided, and applicable with respect to award year 2023-2024 and each subsequent award year, as determined under this chapter, see section 701(b) of Pub. L. 116-260, set out as a note under section 1001 of this title.

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 1992 AMENDMENT

Amendment by Pub. L. 102-325 applicable with respect to determinations of need under this part for award years beginning on or after July 1, 1993, see section 471(b) of Pub. L. 102-325, set out as a note under section 1087kk of this title.

EFFECTIVE DATE

Section 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 an Effective Date of 1987 Amendment note under section 1001 of this title.

§ 1087uu-2. Special rules for independent students

(a) Determination process for unaccompanied homeless youth

In making a determination of independence under section 1087vv(d)(8) of this title, a finan-