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The Higher Education Act (HEA): A Primer

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Summary

The Higher Education Act of 1965 (HEA; P.L. 89-329) authorizes numerous federal aid programs that provide support to both individuals pursuing a postsecondary education and institutions of higher education (IHEs). Title IV of the HEA authorizes the federal government's major student aid programs, which are the primary source of direct federal support to students pursuing postsecondary education. Titles II, III, and V of the HEA provide institutional aid and support. Additionally, the HEA authorizes services and support for less-advantaged students (select Title IV programs), students pursing international education (Title VI), and students pursuing and institutions offering certain graduate and professional degrees (Title VII). Finally, the most recently added title (Title VIII) authorizes several other programs that support higher education.

The HEA was last comprehensively reauthorized in 2008 by the Higher Education Opportunity Act of 2008 (HEOA; P.L. 110-315), which authorized most HEA programs through FY2014. Following the enactment of the HEOA, the HEA has been amended by numerous other laws, most notably the SAFRA Act, part of the Health Care and Education Reconciliation Act of 2010 (HCERA; P.L. 111-152), which terminated the authority to make federal student loans through the Federal Family Education Loan (FFEL) program. Many HEA programs were authorized through FY2014 and were extended for an additional year, through FY2015, under the General Education Provisions Act (GEPA). Additionally, many HEA programs due to expire at the end of FY2015 were provided additional appropriations beyond FY2015 under a variety of appropriations legislation and continuing resolutions, and most recently under the Furthering Continuing and Security Assistance Appropriations Act, 2017 (P.L. 114-254).

This report provides a brief overview of the major provisions of the HEA.

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Introduction

The Higher Education Act of 1965 (HEA; P.L. 89-329), as amended, authorizes a broad array of federal student aid programs that assist students and their families with financing the cost of a postsecondary education, as well as programs that provide federal support to postsecondary institutions of higher education (IHEs). Programs authorized by the HEA provide support for higher education in several ways, including providing support to students in financing a postsecondary education, with additional support and services given to less-advantaged students; providing support to students pursing international education and certain graduate and professional degrees; and providing support to IHEs in improving their capacity and ability to offer postsecondary education programs.

The Department of Education (ED) administers the programs authorized by the HEA. The most prominent programs under the HEA are the Title IV programs that provide financial assistance to students and their families. In FY2016, approximately $125.7 billion in financial assistance was made available to 13.2 million students under these programs.[1] In the same year, ED provided approximately $2.2 billion in federal support to institutions of higher education under the HEA.[2]

The HEA was first enacted in 1965 and has since been amended and extended numerous times, and it has been comprehensively reauthorized eight times. The most recent comprehensive reauthorization of the HEA occurred in 2008 under the Higher Education Opportunity Act (HEOA; P.L. 110-315), which authorized most HEA programs through FY2014. Following the passage of the HEOA, the SAFRA Act, as part of the Health Care and Education Reconciliation Act of 2010 (HCERA; P.L. 111-152), made several notable changes to the HEA. Authorization for the appropriations for many HEA programs expired at the end of FY2014 and was automatically extended through the end of FY2015 under Section 422 of the General Education Provisions Act (GEPA).[3] Additionally, Congress provided appropriations beyond 2015 under a variety of appropriations legislation and continuing resolutions, most recently under the under the Consolidated Appropriations Act, 2017 (P.L. 115-31).

The HEA is organized into eight titles:

- Title I, General Provisions;
- Title II, Teacher Quality Enhancement;
- Title III, Strengthening Institutions;
- Title IV, Student Assistance;
- Title V, Developing Institutions;
- Title VI, International Education Programs;
- Title VII, Graduate and Postsecondary Improvement Programs; and
- Title VIII, Additional Programs.

This report provides a brief overview of the major provisions of the HEA, organized by title and part. **Appendix A** of this report provides detailed appropriations figures for HEA-authorized

[1] U.S. Department of Education, Office of Federal Student Aid, *Annual Report 2016*, November 14, 2016, p. iii.

[2] Office of Management and Budget, *The Appendix, Budget of the United States Government, Fiscal Year 2017*, p. 368.

[3] GEPA contains a broad array of statutory provisions that are applicable to the majority of federal education programs administered by the Department of Education. 20 U.S.C. §1221 et seq. For additional information on GEPA, see CRS Report R41119, *General Education Provisions Act (GEPA): Overview and Issues*, by Rebecca R. Skinner and Jody Feder, archived.

programs, from FY2013 through FY2017. **Appendix B** gives a brief overview of the General Education Provisions Act, which applies to the majority of federal education programs administered by ED, including those programs authorized by the HEA. Finally, **Appendix C** provides information related to the eight comprehensive reauthorizations that the HEA has undergone. Other CRS reports provide more detailed discussions and analyses of the major HEA provisions.

Title I: General Provisions

Title I of the HEA is divided into four parts and lays out definitions and provisions that generally apply to most of the programs authorized by the HEA.

Part A: Definitions

Title I, Part A of the HEA includes two definitions of an institution of higher education (IHE). The definition of IHE in Section 101 applies to institutional participation in HEA programs, other than federal student aid (FSA) programs under Title IV. The definition of an IHE provided in Section 102 applies to institutional participation in Title IV FSA programs and includes all institutions that meet the Section 101 IHE definition and proprietary institutions (or for-profit institutions), postsecondary vocational institutions, and foreign institutions (i.e., those located outside of the United States). Section 102 also specifies additional conditions institutions must meet to participate in Title IV programs, including provisions related to the types of courses and educational programs offered, student enrollment, and institutional management.[4]

Section 103 contains additional definitions relevant to the HEA, such as "distance education" and "diploma mill."

Part B: Additional General Provisions

Part B of Title I lists additional general provisions pertaining to the HEA. It includes provisions related to antidiscrimination based on race, religion, sex, or national origin at IHEs receiving federal financial assistance and a Sense of Congress regarding the protection of student speech and association rights.

Title I-B requires that IHEs adopt alcohol and drug abuse prevention programs to participate in Title IV programs and authorizes the Secretary of Education (Secretary) to award competitive grants to IHEs or consortia of IHEs to implement drug and alcohol prevention programs; however, these grants have not been funded in several years.

Title I-B also grants the Secretary the authority to waive program eligibility criteria in any case in which the criteria do not take into account any unique circumstances of the outlying areas.[5]

Other Part B provisions require that information be made available to students and their families to help them make informed college decisions, such as requiring the Secretary to develop a website with information about federal aid available from other federal departments and agencies

[4] For additional information on institutional eligibility to participate in Title IV programs, see CRS Report R43159, *Institutional Eligibility for Participation in Title IV Student Financial Aid Programs*, by Alexandra Hegji.

[5] The "outlying areas" are Guam, the U.S. Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States (the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau).

and requiring the Secretary, working with other federal agencies, to publish information to help students, parents, and employers to identify and avoid diploma mills.[6]

Part B also establishes the National Advisory Committee on Institutional Quality and Integrity (NACIQI), which is a committee tasked with assessing the process of accreditation in higher education and the institutional eligibility and certification of IHEs to participate in Title IV programs. Specific requirements for NACIQI, such as membership criteria and meeting procedures, also are delineated.

Part B prohibits the development, implementation, or maintenance of a federal database containing the personally identifiable information of students. However, this prohibition does not apply to systems necessary for the operation of programs authorized under Titles II (Teacher Quality Enhancement), IV (Student Assistance), or VII (Graduate and Postsecondary Improvement Programs) and that were in use the day before the enactment of the HEOA (August 13, 2008).

Finally, Part B authorizes necessary appropriations to pay obligations incurred related to previously funded programs supporting the construction of college housing and academic facilities.

Part C: Cost of Higher Education

Title I, Part C includes many provisions that focus on collecting data on college costs and prices and student characteristics. It directs the Secretary to collect and make available online, among other information, individual IHEs' tuition and fees; cost of attendance; acceptance rate of undergraduate students who apply; number of first-time, full-time, and part-time students enrolled; number of students receiving financial aid; and average amount of financial assistance received by students.[7]

Other provisions require publishers that sell college textbooks and supplemental materials to "unbundle" materials (i.e., make textbooks and each supplement to a textbook available as separate items) and require IHEs to publish online pre-course registration and registration materials delineating information about all required texts that will be used in the class and the retail price of course materials.

Additionally, Section 135 requires public IHEs to charge in-state tuition rates to eligible members of the Armed Forces on active duty and their spouses and dependent children.

Finally, Part C includes a maintenance of effort (MOE) provision, which requires states to maintain appropriations for the general operations of public IHEs and for amounts provided for financial aid for students attending private IHEs within the state in each academic year that at least equal the average appropriation over the preceding five years. If a state fails to meet MOE requirements, the Secretary is required to withhold the state's allotment of funds for the College

[6] Diploma mills are unaccredited entities that offer degrees, diplomas, or certificates to individuals for a fee and that require the individual to complete little or no educational coursework.

[7] For instance, Part C directs the Secretary to maintain a website, the "College Navigator" website, which provides information such as cost of attendance and net price of various IHEs to prospective students, and the Net Price Calculator, which helps current and prospective students estimate the individual net price of attending an IHE for a student. See The College Navigator website is available at http://nces.ed.gov/collegenavigator/; The Net Price Calculator is available online at http://collegecost.ed.gov/netpricecenter.aspx.

Access Challenge Grant Program (Title VII, Part E), until the state makes "significant efforts to correct such violations."[8]

Part D: Administrative Provisions for Delivery of Student Financial Assistance

Part D of Title I authorizes the establishment of a Performance-Based Organization (PBO) that manages the administration of Title IV programs within ED. A PBO is a discrete government management unit that is responsible for managing the administrative and oversight functions that support a program, while other entities are responsible for the policy setting functions relating to the PBO. PBOs are led by chief executives who are personally accountable for meeting measurable goals within the organization. In exchange, the PBO is allowed greater flexibility to manage personnel, procurement, and other services. The PBO authorized under HEA Title D-I is known as the Office of Federal Student Aid.[9]

Part E: Lender Institution Requirements Relating to Education Loans

Part E of Title I establishes disclosure and reporting requirements applicable to lenders and IHEs with respect to Title IV federal student loans and private education loans. Many of the provisions relate to the disclosure to borrowers of the terms and conditions for both federal loans made under Title IV and private education loans, as defined under Section 140 of the Truth in Lending Act.[10]

Title II: Teacher Quality Enhancement

Title II of the HEA authorizes grants for improving teacher education programs, strengthening teacher recruitment efforts, and providing training for prospective teachers. This title also includes reporting requirements for states and IHEs regarding the quality of teacher education programs.

Part A: Teacher Quality Partnership Grants

Part A of Title II authorizes competitive grants to improve teacher education programs. The Pre-Baccalaureate Preparation Program awards funds to partnerships to, among other activities, reform teacher preparation programs, provide clinical experiences and literacy training, and prepare highly qualified teachers and early childhood educators. The Teacher Residency Program awards one-year stipends to recent college graduates and mid-career professionals (who are not teaching) to obtain graduate-level teacher training in exchange for agreements to serve three years in a high-need school. Finally, the Leadership Development Program awards funds to partnerships to prepare students for careers as school administrators, as well as to support

[8] The Secretary may waive the MOE requirement for exceptional or uncontrollable circumstances, as appropriate.

[9] For more information on how the Office of Federal Student Aid operates as a PBO, see, for example, U.S. Department of Education, *Creating the Government's First Performance-Based Organization to Modernize Student Aid Delivery*, at http://www2.ed.gov/offices/OPE/PPI/Reauthor/pbo1016.html.

[10] 15 U.S.C. §1650. For additional information on student loan disclosure requirements, see CRS Report R40789, *Reporting and Disclosure Requirements for Institutions of Higher Education to Participate in Federal Student Aid Programs Under Title IV of the Higher Education Act*, by David P. Smole, archived

activities that promote strong leadership skills. Each eligible partnership receiving a grant under Part A must provide nonfederal matching funds equal to 100% of the amount of the grant.

Part A also requires states and IHEs offering teacher preparation programs and receiving federal assistance under the HEA to report specified data annually. IHEs must report to states the pass rates of their graduates on state certification assessments and other program data. States, in turn, are required to report to ED information on state certification and licensure requirements; the number of students enrolled in teacher preparation programs disaggregated by gender, race, and ethnicity; pass rates on state assessments, disaggregated and ranked by institution; criteria for identifying low-performing schools of education; and other information.[11]

Part B: Enhancing Teacher Education

Part B of Title II authorizes several competitive grants for teacher training programs that meet specific needs, such as preparing graduate teacher candidates to use technology-rich teaching methods, preparing general education teacher candidates to instruct students with disabilities, and preparing graduate students to become education professors who will prepare highly qualified teachers in high-need areas. These programs have never received funding.

Title III: Institutional Aid

Title III is one of the primary sources of institutional support authorized by the HEA.[12] Most of the programs authorized in Title III provide grants or other financial support to institutions that serve high concentrations of minority and/or needy students to help strengthen the institutions' academic, financial, and administrative capabilities.[13] Typically, the institutions served by Title III are called minority-serving institutions.

Part A: Strengthening Institutions

The Section 311, Strengthening Institutions Program (SIP) is the foundational program for all other programs established under Title III-A. It provides competitive grants to eligible IHEs that have low educational and general expenditures (E&G) as compared to similar institutions and where at least 50% of enrolled degree-seeking students are receiving need-based assistance under HEA Title IV[14] or where the percentage of Pell Grant recipients exceeds the median percentage of Pell Grant recipients at similar institutions. Additionally, eligible IHEs must be legally authorized by their states to award bachelor's degrees or be authorized to operate as a junior or community college and must be accredited or preaccredited by an ED-recognized accrediting agency. In this report, the SIP eligibility criteria are referred to collectively as the Section 312(b) criteria.

Authorized uses for grant funds include facilities improvement, faculty development, curriculum development, and student services. Grantees are also allowed to establish endowments or increase

[11] ED makes these reports available online at https://title2.ed.gov/View.asp.

[12] Title V, discussed later in this report, is the other major source of HEA institutional support. It provides institutional aid for Hispanic Serving Institutions.

[13] For additional information on programs available to minority service institutions under the HEA, see CRS Report R43237, *Programs for Minority-Serving Institutions Under the Higher Education Act*, by Alexandra Hegji.

[14] For purposes of SIP, Title IV need-based assistance includes Federal Supplemental Educational Opportunity Grants, Federal Work Study, and Federal Perkins Loans, but *not* Subsidized Stafford Loans.

endowment funds with SIP grants, but they may not use more than 20% of grant monies for such purposes and must provide matching funds from nonfederal sources.

American Indian Tribally Controlled Colleges and Universities

Section 316 establishes the Strengthening American Indian and Tribally Controlled Colleges and Universities (TCCUs) program. This program provides formula grants to TCCUs that meet the Section 312(b) criteria and that qualify for funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. §1801), the Navajo Community College Act (25 U.S.C. §640a), or Section 532 of the Equity in Education Land-Grant Status Act of 1994 (7 U.S.C. §301 note). Authorized uses for grant funds are similar to those of the SIP.

Alaska Native and Native Hawaiian-Serving Institutions

Section 317 establishes the Strengthening Alaska Native and Native Hawaiian-Serving Institutions (ANNHs) program. This program provides competitive grants to ANNHs that meet the Section 312(b) criteria and that have an enrollment of undergraduate students that is at least 20% Alaska Native students or at least 10% Native Hawaiian students. Authorized uses for grant funds are similar to those of the SIP.

Predominantly Black Institutions

Section 318 establishes the Strengthening Predominantly Black Institutions (PBIs) program. To be eligible for a PBI grant, an institution must be legally authorized within its state to award bachelor's or associate's degrees, accredited or preaccredited by an ED-recognized accrediting agency, enroll at least 1,000 undergraduates (half of which must be enrolled in degree programs), have low E&G, and have an undergraduate student enrollment that is at least 40% Black American students. PBIs may not also be designated as a Historically Black College or University (HBCU) or a Hispanic-serving institution (HSI).

PBIs must have a requisite enrollment of needy students. For purposes of the Strengthening PBIs program, the needy student enrollment criterion requires that at least 50% of an institution's enrolled degree-seeking undergraduate students (a) are Pell Grant recipients; (b) come from families that receive benefits under a means-tested federal benefit program; (c) attended a secondary school that was eligible to receive benefits under Title I of the Elementary and Secondary Education Act of 1965 (ESEA);[15] or (d) are first-generation college students and a majority of such first-generation colleges students are low-income.

Grants are formula-based and divided among eligible institutions based on each institution's percentage of Pell Grant recipients, percentage of graduates, and percentage of graduates who pursue the next higher degree level. Authorized uses for grant funds are similar to those of the SIP.

Native American-Serving, Nontribal Institutions

Section 319 establishes the Strengthening Native American-serving, Nontribal Institutions (NASNTIs) program. This program provides competitive grants to NASNTIs that meet the Section 312(b) criteria, that are not TCCUs, and that have an enrollment of undergraduate

[15] For additional information on the ESEA, see CRS Report R44297, *Reauthorization of the Elementary and Secondary Education Act: Highlights of the Every Student Succeeds Act*, by Rebecca R. Skinner and Jeffrey J. Kuenzi.

students that is at least 10% Native American students. Authorized uses for grant funds are similar to those of the SIP.

Asian American and Native American Pacific Islander-Serving Institutions

Section 320 establishes the Asian American and Native American Pacific Islander-Serving Institutions (AANAPISIs) program. This program provides competitive grants to AANAPISIs that meet the Section 312(b) criteria and that have an enrollment of undergraduate students that is at least 10% Asian American or Native American Pacific Islander students. Authorized uses for grant funds are similar to those of the SIP.

Part B: Strengthening Historically Black Colleges and Universities

Part B of Title III authorizes assistance to Historically Black College and Universities (HBCUs) and Historically Black Graduate Institutions (HBGIs). Section 323 authorizes the Strengthening HBCUs program, which provides grants to IHEs that were established before 1964 with the mission of educating Black Americans, are accredited or preaccredited by an ED-recognized accrediting agency, and are authorized by their states to award bachelor's degrees or operate as junior or community colleges.[16]

Strengthening HBCU grants are formula-based and divided among eligible institutions based on an institution's percentage of Pell Grant recipients, percentage of graduates, and percentage of graduates who go on to attend a graduate or professional school in a degree program in disciplines in which Blacks are underrepresented. Authorized uses for grant funds are similar to those of the SIP under Title III-A.

Historically Black Graduate and Professional Institutions

Section 326 of Title III-B establishes the HBGI program. This program provides formula grants to eligible postgraduate and professional institutions and programs to increase the number of African Americans in certain professional fields. Eligible institutions are specifically listed in Section 326.

HBGI grants are formula-based. The first $56.9 million appropriated each fiscal year is available exclusively to the 18 HBGIs that were specifically listed in the HEA prior to the passage of the Higher Education Opportunity Act of 2008 (HEOA; P.L. 110-315). Appropriations greater than $56.9 million and less than $62.9 million are available to the six HBGIs that were added to Section 326 by the HEOA. Finally, appropriations greater than $62.9 million are made available to any eligible HBGI, pursuant to a formula to be developed by ED. Authorized uses for grant funds are similar to those of the SIP.

Part C: Endowment Challenge Grants

Title III, Part C authorizes the Endowment Challenge Grants program. This program provides matching grants to IHEs eligible under Parts A and B of Title III to assist them in establishing or increasing their endowments and thus increase their self-sufficiency. The program has not been funded since FY1995.

[16] The accompanying regulations also require that an eligible HBCU be legally authorized in the state in which it is located to operate as a junior or community college or to award bachelor's degrees.

Part D: Historically Black College and University Capital Financing

Title III, Part D authorizes the HBCU Capital Financing program, which provides federal insurance for bonds issued to support capital financing projects at HBCUs for the repair, renovation, and, in exceptional circumstances, construction or acquisition of facilities used for instruction, research, or housing. A designated bonding authority is charged with raising funds in the bond market; in turn, these funds are lent to HBCUs. Repayments on these loans are used to make principal and interest payments on outstanding bonds. Borrowers deposit a portion of their loans into an escrow account to cover principal and interest payments on outstanding bonds in the event borrowers are delinquent in repaying their loans. The total outstanding principal and unpaid accrued interest on these loans cannot exceed $1.1 billion.

Part E: Minority Science and Engineering Improvement Program

Title III, Part E authorizes the Minority Science and Engineering Improvement Program (MSEIP), which provides grants to effect long-term improvements in science and engineering education at minority institutions. Grants are provided to IHEs with an undergraduate student enrollment that is at least 50% minority students, nonprofit science-oriented organizations, and consortia of organizations. MSEIP grants are competitively awarded, and authorized uses include participating in faculty development programs, strengthening an institution's science and engineering programs, and conducting research in science education.

Title III-E authorizes two additional programs: the Yes Partnership Grant Program and Promotion of Entry into STEM Fields. The Yes Partnership Grant Program authorizes the Secretary to make grants to support the engagement of underrepresented minority youth in STEM outreach. Promotion of Entry into STEM Fields authorizes the Secretary to contract with a firm to implement an advertising campaign to encourage youths to enter STEM fields. Neither program has been implemented.

Part F: Strengthening Historically Black Colleges and Universities and Other Minority-Serving Institutions

Title III, Part F provides annual mandatory appropriations through FY2019 for programs that support minority-serving institutions under Title III-A and Title III-B. Programs that receive mandatory appropriations under this part are Strengthening TCCUs, Strengthening ANNHs, Strengthening PBIs, Strengthening NASNTIs, Strengthening ANNAPISIs, and Strengthening HBCUs.

In general, Title III-F funds are to be used by eligible minority-serving institutions as though they were funds provided under Titles III-A and III-B; however, there are some exceptions. Title III-F provides 25 grants of $600,000 each annually to eligible PBIs for programs in science, technology, engineering, or mathematics (STEM); health education; internationalization or globalization; teacher preparation; or improving educational outcomes of African American males. Additionally, IHEs eligible for Title III-F NASNTIs funds are not required to meet the Section 312(b) needy student and low E&G eligibility criteria that NASNTIs receiving funds under Title III-A are required to meet.

Hispanic Serving-Institutions Science, Technology, Engineering, and Math and Articulation Program

Title III-F also authorizes the Hispanic-Serving Institutions STEM and Articulation program (HSI STEM). This program awards competitive grants to eligible HSIs to increase the number of Hispanic and low-income students attaining degrees in STEM fields and to develop model transfer and articulation agreements between two-year HSIs and four-year institutions in STEM fields. Eligible HSIs are IHEs that meet the Section 312(b) criteria and that have an undergraduate student enrollment that is at least 25% Hispanic students. Title III-F also provides annual mandatory appropriations for this program through FY2019.

Part G: General Provisions

Title III, Part G contains general provisions, including the Secretary's waiver authority for Title III programs. Title III-G also specifies the authorizations of appropriations for each Title III program, other than programs authorized under Title III-F. Other general provisions relate to the grant application process, technical assistance for IHEs in applying for Title III grants, and the Secretary's ability to make continuation awards for multiyear grants.

Title IV: Student Assistance

Title IV of the HEA contains nine parts that authorize a broad array of programs and provisions to assist students and their families in gaining access to and financing a postsecondary education. The programs authorized under this title are the primary sources of federal aid to support postsecondary education.

Part A: Grants to Students in Attendance at Institutions of Higher Education

Title IV, Part A authorizes numerous grant programs—financial assistance that does not need to be repaid by the recipient—for students who attend eligible institutions participating in Title IV programs. It also authorizes federal early outreach and student services programs.

Subpart 1: Federal Pell Grants

Subpart 1 authorizes the Federal Pell Grant program, which is the single largest source of grant aid for postsecondary education attendance funded by the federal government.[17] The Pell Grant program provides need-based grants to financially needy undergraduate students and is the foundation for all federal student aid (FSA) awarded to undergraduates (i.e., all other FSA is calculated after the amount of a student's Pell Grant award has been determined).

To be eligible to receive a Pell Grant, a student must meet the general eligibility criteria for all FSA programs and be enrolled at an eligible IHE for the purpose of earning a degree or certificate. In general, students must be enrolled as undergraduates[18] and are subject to a cumulative lifetime eligibility cap on Pell Grant aid of 12 full-time semesters (or the equivalent).

[17] For additional information on the Pell Grant Program, see CRS Report R42446, *Federal Pell Grant Program of the Higher Education Act: How the Program Works and Recent Legislative Changes*, by Cassandria Dortch.

[18] Students who are enrolled on at least a half-time basis in a post-baccalaureate program required by a state for K-12 (continued...)

Pell Grants are portable, which means the grant aid follows the recipient to any eligible IHE in which they enroll. The amount of grant aid available to students is primarily based on the financial resources that students and their families are expected to contribute toward the cost of financing a postsecondary education and the annual maximum award amount set forth in the last enacted applicable appropriations act, combined with the award amount of a mandatory add-on award provided annually in the HEA. Pell Grant awards are prorated for students who attend on less than a full-time basis.

Academic Competitiveness and National Science and Mathematics Access to Retain Talent Grants

Subpart 1 authorized the Academic Competitiveness (AC) Grant and National Science and Mathematics Access to Retain Talent (SMART) Grant programs, which provided additional support to certain Pell-eligible students. The authority to make grants under the programs expired at the end of award year (AY) 2010-2011.

Subpart 2: TRIO and GEAR UP

Subpart 2 authorizes programs for early outreach and student services programs. Chapter 1 establishes the six TRIO programs, and Chapter 2 authorizes the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP).

Federal TRIO Programs

Subpart 2 of Part A authorizes six separate discretionary grant programs—collectively known as the TRIO programs—designed to assist qualified individuals from disadvantaged backgrounds with preparing for and completing postsecondary education.[19] While the TRIO programs primarily serve individuals who are or would be low-income, first-generation college students, they also serve students with disabilities, students at-risk of academic failure, veterans, homeless youth, foster youth, and individuals underrepresented in graduate education.[20] Typically, for each of the TRIO programs, eligible grantees may include institutions of higher education; public and private agencies and organizations with experience in serving disadvantaged youth; secondary schools; and combinations of such institutions, agencies, and organizations.

Talent Search (TS). The TS program is intended to encourage students to complete their high school diplomas and enroll in postsecondary education. To accomplish this, TS grantees must provide, among other services, course selection advice and assistance, assistance in preparing for college entrance examinations, assistance in completing college admission applications, assistance in completing financial aid applications, and guidance on and assistance in methods for achieving a secondary school diploma or an equivalent postsecondary education. Generally, program participants must have completed five years of elementary education or be between the

(...continued)

teacher certification or licensure are also eligible, so long as the program does not lead to a graduate degree and so long as the institution does not offer a bachelor's degree in education.

[19] Originally, in 1965, there were three programs under this part—Upward Bound, Student Support Services, and Talent Search—that provided a range of student support services, thus the name TRIO. Subsequent legislation authorized additional programs with a similar purpose, but the TRIO name remains.

[20] For additional information on the TRIO programs, see CRS Report R42724, *The TRIO Programs: A Primer*, by Cassandria Dortch.

ages of 11 and 27. At least two-thirds of participants must be low-income, first-generation college students.

Upward Bound (UB). The UB program is intended to prepare and encourage high school students and veterans toward success in postsecondary education. UB grantees must provide, among other services, instruction in specified courses such as foreign language and mathematics, tutoring, and assistance in preparing for college entrance examinations and in completing college admissions applications. UB grantees may also provide monthly stipends to eligible participants. Program participants must have completed eight years of elementary education or, with some exceptions, be between the ages of 13 and 19. At least two-thirds of participants must be low-income, first generation college students.

Student Support Services (SSS). The SSS program is intended to provide support services to college students to improve the retention, graduation rates, financial and economic literacy, and transfer rates of students from two-year to four-year schools. SSS grantees must offer, among other services, tutoring, counseling to improve financial literacy, and assistance in applying for admission to the next higher level of degree attainment. Grantees may provide stipends to eligible participants. Program participants must be enrolled, or accepted for enrollment, at the grantee IHE. At least two-thirds of participants must be either students with disabilities or low-income, first-generation college students, and the other one-third must be low-income, first generation college students or students with disabilities. At least one-third of participating students with disabilities must be low-income.

Ronald E. McNair Postbaccalaureate Achievement (McNair) Program. The McNair Program is intended to prepare disadvantaged undergraduate students for subsequent doctoral study by providing research opportunities, internships, counseling, tutoring, and other preparatory activities. Grantees may provide stipends to eligible participants. Program participants must be enrolled in a degree program at the grantee IHE. At least two-thirds of program participants must be low-income, first-generation college students, and the remaining one-third must be from a group that is underrepresented in graduate education, including Alaska Natives, Native Hawaiians, and Native American Pacific Islanders.

Educational Opportunity Centers (EOCs). The EOC program is intended to support high school completion and postsecondary enrollment by providing information on financial and academic assistance available to individuals wishing to pursue a postsecondary education and assisting them in applying for college admission and financial aid. Generally, program participants must be at least 19 years old. At least two-thirds of program participants must be low-income, first-generation college students.

Staff Development. The Staff Development Program is intended to improve TRIO project administration, operation, outcomes, and outreach by providing training to existing and potential TRIO program staff. Program participants must be staff and leadership personnel employed in, participating in, or preparing for employment in TRIO programs and projects.

Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)

Subpart 2 also authorizes GEAR UP, which provides grants to states and partnerships between local educational agencies (LEAs) and degree-granting IHEs to assist primarily low-income students in obtaining a secondary school diploma (or its recognized equivalent) and to prepare for and succeed in postsecondary education.

GEAR UP partnership grantees must, and state grantees may, serve an entire cohort of students, beginning no later than the seventh grade and follow the cohort through high school or the first year of attendance at an IHE. GEAR UP projects provide services such as academic support, mentoring, career counseling, and college visits. GEAR UP state grantees must, and partnerships grantees may, also provide college scholarships to eligible participating students.

Subpart 3: Federal Supplemental Educational Opportunity Grants (FSEOG)

Subpart 3 of Title IV-A authorizes the FSEOG program, which is one of three programs collectively referred to as the campus-based aid programs.[21] Under the FESOG program, the Department of Education (ED) allocates funds to IHEs for the purpose of awarding need-based grant aid to undergraduate students with exceptional financial need to aid them in funding an undergraduate education. Funds are awarded to students as part of their financial aid package, with priority given to Pell Grant recipients with the lowest expected family contributions (EFCs).

FSEOG aid consists of a federal share, which, in general, may not exceed 75% of FSEOG aid, and a nonfederal share of at least 25%. The federal share consists of funds that are allocated to IHEs according to a statutory formula. Federal funds are first allocated to IHEs in proportion to the amount they received in previous years, with priority going to those that participated in the program in FY1999 or earlier. This amount is referred to as their base guarantee allocation. Next, any remaining FSEOG funds are allocated to IHEs proportionately, according to the aggregate financial need of the IHE's undergraduate students. This is referred to as their fair share allocation.

Subpart 4: LEAP and GAP

Subpart 4 authorizes the Leveraging Education Assistance Partnership Program (LEAP) and Grants for Access and Persistence (GAP). These programs provide matching grants to states to establish need-based scholarship programs. GAP grants also fund early awareness and outreach activities and support services to students. GAP is only funded if the amount appropriated for LEAP exceeds $30 million. Neither program has been funded since FY2010.

Subpart 5: Special Programs for Students Whose Families Are Engaged in Migrant and Seasonal Farmwork

Subpart 5 authorizes the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP). These programs target individuals who themselves or whose family have recently engaged in migrant or seasonal farmwork. For each of these programs, grantees may include IHEs or private nonprofit organizations working in cooperation with an IHE.

HEP assists individuals who are at least 16 years old or who are beyond the age of compulsory school attendance to obtain a secondary school diploma or its equivalent. CAMP assists students with placement, persistence, and retention in postsecondary education. Grantees may provide stipends to eligible participants.

[21] Some distinguishing characteristics of the campus-based programs are that awards are comprised of a mix of federal and institutional matching funds and that amounts awarded to students are determined by each institution's financial aid administrator according to institution-specific award criteria. The two other campus-based programs are the Federal Work Study program and the Federal Perkins Loans program. For additional information on the campus-based aid programs, see CRS Report RL31618, *Campus-Based Student Financial Aid Programs Under the Higher Education Act*, by Joselynn H. Fountain.

Subpart 6: Robert C. Byrd Honors Scholarship Program (Byrd)

The Robert C. Byrd Honors Scholarship Program funds state-administered college scholarship programs that recognize exceptionally able high school seniors who show promise for continued excellence in postsecondary education. The program has not been funded since FY2010.

Subpart 7: Child Care Access Means Parents in School (CCAMPIS)

The Child Care Access Means Parents in School program supports the participation of low-income parents in postsecondary education by providing competitive grants to IHEs to establish or support campus-based childcare programs.

Subpart 9: TEACH Grants

Subpart 9 authorizes the Teacher Education Assistance for College and Higher Education (TEACH) Grant program, which is a service payback program.[22] The program provides scholarships of $4,000 per year to undergraduate and graduate students who are preparing for a career in teaching.[23] Recipients must commit to teaching a high-need subject[24] in a high-poverty elementary or secondary school for four years. If recipients do not fulfill their service requirement, TEACH grants are converted to Federal Direct Unsubsidized Stafford Loans, with interest accrued from the date each grant was awarded.

Subpart 10: Scholarships for Veteran's Dependents

Subpart 10 authorizes Scholarships for Veteran's Dependents, known as Iraq and Afghanistan Service Grants, which are non-need-based grants awarded to assist each eligible veteran's dependent in paying their cost of attendance at an IHE.[25] Recipients of the award must be a student whose parent or guardian was a member of the U.S. Armed Forces and who died during military service in Iraq or Afghanistan after September 11, 2001, and must have been younger than 24 years old at the time of the parent or guardian's death. Additionally, recipients need not qualify for a Pell Grant based on need, but must meet all the other eligibility requirements for the Pell Grant program. Grants made under this section for any award year equal the maximum Federal Pell Grant available for that award year.

Part B: Federal Family Education Loan (FFEL) Program

The FFEL program offered several types of federal student loans to assist individuals in financing the costs of a postsecondary education; those loans included Subsidized Stafford Loans and Unsubsidized Stafford Loans for undergraduate and graduate and professional students, PLUS Loans for graduate and professional students and the parents of dependent undergraduate students, and Consolidation Loans.[26] For many years the FFEL program was the primary source

[22] The TEACH Grant program is considered a federal credit program for budget purposes.

[23] Individuals pursuing a bachelor's degree may receive a total of $16,000 and individuals pursuing a graduate degree may receive a total of $8,000.

[24] High-need subjects include mathematics, science, foreign language, bilingual education, special education, and reading.

[25] This program was established in 2009 as part of the Technical Corrections to the Higher Education Act of 1965 (P.L. 111-39).

[26] For additional information on the FFEL program, see CRS Report R40122, *Federal Student Loans Made Under the Federal Family Education Loan Program and the William D. Ford Federal Direct Loan Program: Terms and* (continued...)

of federal student loans; however, the SAFRA Act (P.L. 111-152, Title II, Part A) terminated the authority to make new FFEL program loans after June 30, 2010.[27]

The FFEL program made available essentially the same types of loans (with substantially similar terms and conditions) as are now offered under the William D. Ford Federal Direct Loan (Direct Loan) program and which are discussed later in this report. However, the FFEL program significantly differed from the Direct Loan program in its administration. Under the FFEL program, loans were originated by private sector and state-based lenders and were funded with nonfederal capital. The federal government guaranteed lenders against loss due to borrower default, permanent disability, or, in limited circumstances, bankruptcy, and holders of the loans were (and still are) responsible for servicing the loans (e.g., billing borrowers and collecting loan payments). Additionally, FFEL program lenders may receive a special allowance payment (SAP), a type of interest subsidy paid by the federal government to ensure a specified rate of return on their loans.

Although the authority to make new FFEL program loans has been terminated, borrowers of FFEL program loans remain responsible for making payments on their loans, loan holders continue to be responsible for servicing the loans, and guaranty agencies continue to administer the federal loan insurance program. Approximately $335 billion in outstanding FFEL program loans are due to be repaid in the coming years.[28]

Part C: Federal Work-Study Programs

Part C of Title IV authorizes the Federal Work-Study programs (FWS), which are among the campus-based aid programs previously described.[29] FWS employment is the primary FWS program. Separate authorizations of appropriations are also provided for the work colleges program and for community service work-study program. FWS programs are intended to provide part-time employment to undergraduate, graduate, and professional students in need of earnings to pursue their courses of study and to encourage participation in community service activities.

FWS aid may be provided to any student in an eligible program who demonstrates financial need. Awards typically are based on factors such as the amount of a student's financial need, the availability of FWS funds at the institution, and whether the student requests FWS employment and is willing to work. Students receive their FWS awards as compensation for the hours they have worked in specified types of jobs. In general, FWS earnings consist of a federal share of 75% and a nonfederal share of at least 25%; however, these ratios may vary depending on the nature of employment.[30] The nonfederal share of compensation is provided by the employer, which may be the IHE the student attends, a private nonprofit organization, a governmental agency, or a private for-profit entity. IHEs are required to use at least 7% of their FWS allocation to compensate students employed in community service jobs and are also required to operate at least one tutoring or family literacy project that serves the community.

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Conditions for Borrowers, by David P. Smole.

[27] For additional information on the SAFRA Act, see CRS Report R41127, *The SAFRA Act: Education Programs in the FY2010 Budget Reconciliation*, coordinated by Cassandria Dortch, archived.

[28] U.S. Department of Education, Office of Federal Student Aid, *Annual Report 2016*, November 14, 2016, p. 9.

[29] For additional information on FWS and the other campus-based aid programs, see CRS Report RL31618, *Campus-Based Student Financial Aid Programs Under the Higher Education Act*, by Joselynn H. Fountain.

[30] In certain instances, for example employment in tutoring or literacy projects, the federal share may be higher than 75%.

FWS funding is made available to support comprehensive work-learning-service programs at select institutions known as "work colleges." Among other requirements, all resident students at work colleges must be required to participate in work-learning-service programs that are an integral part of the institution's educational philosophy and program. The HEA provides a separate authorization for the work colleges program.

The HEOA amendments established an Off-Campus Community Service Employment program as a distinct FWS program. Under this program, the Secretary may make grants to FWS-participating IHEs to supplement their off-campus community service employment activities. Funding for this FWS program was only provided in FY2010; it has not received appropriations since then.

As with the other campus-based programs, FWS funds are allocated to IHEs according to statutorily prescribed procedures, in which funds are first allocated on the basis of IHEs' base guarantees, and then according to fair-share criteria that take into account each IHE's proportionate share of aggregate financial need of students at FWS-participating institutions.[31]

Part D: William D. Ford Federal Direct Loan (Direct Loan) Program

Part D of Title IV authorizes the Direct Loan program, which is the primary source of federal student loans. As previously discussed, the Direct Loan program provides essentially the same set of loans as the FFEL program did, but uses a different administrative structure and draws on a different source of capital. Under the Direct Loan program, the federal government lends directly to students using federal capital. While the government owns the loans, loan origination and servicing is performed by federal contractors.

Several broad types of loans are available through the Direct Loan program: Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans, and Direct Consolidation Loans. The terms and conditions of these loans (e.g., borrowing limits, interest rates, fees, available repayment plans, deferment and forbearance benefits, loan forgiveness benefits, etc.) are determined according to statutory provisions. Loans made available through the Direct Loan program are an entitlement to qualified borrowers. Many of the terms, conditions, and benefits applicable to Direct Loans, such as student eligibility requirements, deferment criteria, and certain repayment plans, are specified in other parts of the HEA, including Title IV, Part B (the FFEL program).[32]

The Direct Loan program is classified as a federal credit program for budgeting purposes. As a credit program, most of the costs to the government associated with the program are accounted for on an accrual basis according to criteria specified under the Federal Credit Reform Act of 1990 (FCRA; P.L. 101-508).[33] Indefinite mandatory budget authority is provided to fund the loans made through the program. The costs of administering the Direct Loan program are accounted for separately on a cash basis; and funding for administrative expenses is provided through discretionary appropriations.

[31] The calculation of financial need is calculated separately for undergraduate students and graduate and professional students.

[32] For additional information on DL program loans, see CRS Report R40122, *Federal Student Loans Made Under the Federal Family Education Loan Program and the William D. Ford Federal Direct Loan Program: Terms and Conditions for Borrowers*, by David P. Smole.

[33] For additional information on the FCRA, see CRS Report R42632, *Budgetary Treatment of Federal Credit (Direct Loans and Loan Guarantees): Concepts, History, and Issues for Congress*, by Mindy R. Levit, archived.

Direct Subsidized Loans

Direct Subsidized Loans are available only to undergraduate students who demonstrate financial need.[34] The federal government "subsidizes" these loans by paying the interest that accrues on the loans while the borrower is enrolled in an eligible program on at least a half-time basis, during grace periods,[35] and during periods of authorized deferment.[36] Interest rates are set by statute, and loans first disbursed on or after July 1, 2013, are made with market-indexed fixed interest rates.[37]

Direct Unsubsidized Loans

Direct Unsubsidized Loans are available to undergraduate, graduate, and professional students. Borrowers do not need to demonstrate financial need to obtain these loans. The federal government does not pay the interest on these loans while the borrower is in school or during grace periods and deferment periods. Interest rates are set by statute, and loans first disbursed on or after July 1, 2013, are made with market-indexed fixed interest rates.[38]

Direct PLUS Loans

Direct PLUS Loans are available to parents of dependent undergraduate students and to graduate and professional students. Borrowers do not need to demonstrate financial need to obtain these loans. However, borrowers with an adverse credit history are ineligible to borrow PLUS Loans unless another individual agrees to serve as an endorser. The federal government does not pay the interest on these while the student is in school, nor during grace periods and deferment periods. Interest rates are set by statute, and loans first disbursed after on or July 1, 2013, are made with market-indexed fixed interest rates.[39]

Consolidation Loans

Consolidation Loans allow borrowers to combine multiple federal loans into a single loan. Consolidation allows borrowers to simplify the repayment of their federal student loans and, in some cases, extend their repayment period, which reduces the monthly payment amount. Interest rates on Consolidation Loans are determined by taking the weighted average of the interest rates on the loans being consolidated and rounding the result up to the nearest higher one-eighth of 1%.

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[34] Subsidized Loans were previously available to graduate and professional students for periods of instruction beginning before July 1, 2012.

[35] A grace period is a six-month period beginning immediately after a student first ceases to be enrolled in a school on at least a half-time basis. During this time, borrowers are not required to begin repaying their loans. According to amendments made by the Consolidated Appropriations Act of 2012 (P.L. 112-74), no interest subsidy will be paid during the grace period on Subsidized Stafford Loans disbursed between July 1, 2012, and June 30, 2014.

[36] Deferment periods are periods during which borrowers are able to suspend loan repayment (e.g., if they are pursuing additional postsecondary education, are performing qualifying military service, or are experiencing economic hardship).

[37] The interest rate on Subsidized Loans to undergraduate students is the 10-year Treasury note rate plus 2.05 percentage points, with a cap of 8.25%.

[38] The interest rate on Unsubsidized Loans to undergraduate students is the 10-year Treasury note rate plus 2.05 percentage points, with a cap of 8.25%. The interest rate on Unsubsidized Loans to graduate and professional students is the 10-year Treasury note rate plus 3.6 percentage points, with a cap of 9.5%.

[39] The interest rate on PLUS loan is the 10-year Treasury note rate plus 4.6 percentage points, with a cap of 10.5%.

Part E: Federal Perkins Loans

Part E of Title IV authorizes the Federal Perkins Loan program, another of the campus-based programs.[40] Prior to December 18, 2015, the program authorized the allocation of federal funds to IHEs to assist them in capitalizing revolving loan funds for the purpose of making low-interest loans to students with exceptional financial need. Historically, IHEs capitalized their revolving Perkins Loan funds with a combination of federal capital contributions (FCCs) and institutional capital contributions (ICCs). FCCs were allocated according to statutorily prescribed procedures somewhat similar to those used for the FSEOG and FWS programs. Perkins Loans were available to undergraduate and graduate and professional students, with priority given to students with exceptional financial need. Terms and conditions of the Perkins Loan included a fixed 5% interest rate, no accrual of interest prior to a borrower beginning repayment or during periods of authorized deferment, and loan cancellation for borrowers engaged in certain types of public service.

The authorization of appropriations to enable the Secretary to make new FCCs to institutional revolving loan funds expired on September 30, 2014, and was extended through September 30, 2015, under GEPA.[41] For approximately two and one-half months thereafter, the operation of the Perkins Loan program was curtailed and loans could only be made to continuing students. Then, on December 18, 2015, Congress enacted the Federal Perkins Loan Program Extension Act of 2015 (the Extension Act; P.L. 114-105),[42] which extended the authorization of IHEs to make new Perkins Loans to eligible students for a limited amount of time.

Under the amendments made by the Extension Act, Perkins Loan terms and conditions remain the same as prior to the Extension Act (e.g., 5% fixed interest rate and loan cancellation benefits for public service). However, Perkins Loans are available only to eligible undergraduate students through September 30, 2017, and to eligible continuing graduate and professional students through September 30, 2016. The Extension Act explicitly prohibits IHEs from making new Perkins Loans to any students after September 30, 2017. Additionally, IHEs are required to make new disclosures in addition to those currently required to borrowers prior to disbursing a Perkins Loan; these disclosures relate to the future availability of Perkins Loans and the terms and conditions of Perkins Loans as compared to Direct Loan program loans. Moreover, the Extension Act explicitly prohibits the appropriation of additional funds beyond FY2015 for the purpose of making new Perkins Loans and makes inapplicable the automatic one-year extension of the duration of the Perkins Loan program provided under GEPA. Finally, the Extension Act amends numerous provisions related to the timing and distribution of assets of IHEs' Perkins Loan funds following the expiration of the program.

[40] For additional information on the Federal Perkins Loans program and the other campus-based aid programs, see CRS Report RL31618, *Campus-Based Student Financial Aid Programs Under the Higher Education Act*, by Joselynn H. Fountain.

[41] Discretionary funds for FCCs had not been appropriated since FY2004. In FY2006, the program received approximately $4.7 million in funding as part of a mandatory reappropriation in expired FY2005 funds pursuant to the National Disaster Student Fairness Act (P.L. 109-86). Additionally, funding for the cancellation of Perkins Loans was last provided to participating IHEs in FY2009.

[42] For additional information on the Extension Act, see CRS Report R44343, *The Federal Perkins Loan Program Extension Act of 2015: In Brief*, by Alexandra Hegji.

Part F: Need Analysis

Part F of Title IV establishes the federal "need analysis" methodology by which a student's financial need is determined for purposes of calculating the amount of Title IV aid for which a student is eligible. A student's financial need is the amount that the total cost of attendance (COA) at an institution (e.g., tuition and fees, books and supplies) exceeds the student's family's expected family contribution (EFC)—the amount of financial resources that students and their families are expected to use to meet the COA.[43] The COA is determined by each IHE participating in the Title IV federal student aid programs. The EFC for each student is determined on the basis of financial information provided through the Free Application for Federal Student Aid (FAFSA).

In cases where a student meets the statutory definition of an independent student, the student completes the FAFSA with information on his or her self and, if applicable, his or her spouse. In cases where the student does not meet the definition of an independent student, the student is considered dependent and must provide information on his or her self as well as his or her parents.

The formula used to calculate EFC considers the income (including taxable and certain untaxed income) and assets (e.g., bank accounts, stocks) of the student and relevant family members. There are several "protections" that exempt some (or even all) of an applicant's income or assets from being considered when calculating the EFC. The protections aim to exempt nondiscretionary resources from contributing to the EFC. For example, one protection exempts a very basic living allowance ("income protection allowance"), while another exempts the portion of income paid to federal income taxes. Only income and assets in excess of the statutory protections are considered available for educational expenses and contribute to the EFC.[44]

If a student and/or relevant family members meet certain criteria regarding income and other factors, the family may be eligible for a "simplified needs test" (SNT). The SNT considers fewer financial factors and requires the student's family to provide correspondingly less information on the FAFSA. Applicants who qualify for the SNT and meet additional income criteria may be eligible for an "automatic zero." Students eligible for the automatic zero are not subject to the EFC formula and instead automatically receive a zero EFC.

Part G: General Provisions Relating to Student Assistance Programs

Part G of Title IV establishes many institutional requirements for Title IV participation[45] and related provisions. It includes definitions of "academic year" and "eligible program" and requires IHEs participating in Title IV to enter into program participation agreements (PPAs) with the Secretary.[46] It also establishes a master calendar requirement for the Secretary to ensure adequate notification and timely delivery of Title IV student aid.

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[43] Once a student's financial need is determined, an IHE's financial aid administrator determines the combination of resources (e.g., Direct Loan Program loans, Pell Grants, institutional aid, and scholarships) for which a student is eligible and that best meets the student's needs. This is known as "packaging."

[44] In cases where a family has more than one student in college, the EFC is divided by the number of students.

[45] Generally, most other institutional requirements for participation in Title IV programs are found in Title I, Part A.

[46] For additional information on institutional eligibility requirements, see CRS Report R43159, *Institutional Eligibility for Participation in Title IV Student Financial Aid Programs*, by Alexandra Hegji.

Part G contains provisions related to forms and regulations used in administering Title IV programs, including requirements related to the contents and distribution of the FAFSA. Student eligibility criteria to receive Title IV financial assistance are found in Part G, which includes citizenship requirements for Title IV aid recipients and satisfactory academic progress requirements for students to maintain Title IV eligibility. Provisions are also included that describe the manner in which Title IV funds are to be returned to the federal government in the event that a student withdraws from an institution.

Additionally, Part G contains numerous requirements related to the types of information institutions must disseminate to prospective and enrolled students, including graduation or completion rates, financial aid entrance and exit counseling to borrowers, campus crime statistics and security policies, and transfer of credit policies.[47]

Part G establishes the National Student Loan Data System. It also contains wage garnishment requirements for borrowers who are not currently making required payments on their Title IV loans and criminal penalties in cases of fraud, abuse, and other crimes related to Title IV funds.

Part G contains several provisions related to members of the Armed Forces and veterans, such as procedures for loan cancellations or deferments for eligible disabled veterans and deferment of loan repayment following periods of active duty. Finally, Part G also authorizes the income-based repayment plan for Title IV loans.[48]

The Advisory Committee on Student Financial Assistance had been authorized under Part G until the end of FY2015.[49]

Part H: Program Integrity

Part H of Title IV contains what is known as the program integrity triad. The triad comprises three requirements to ensure program integrity in postsecondary education. The three requirements are state authorization, accreditation by an accrediting agency recognized by ED, and eligibility and certification by ED.[50] Section 102 requires that IHEs fulfill all three program integrity requirements to be eligible to participate in Title IV FSA programs, and Title IV, Part H describes each component of the triad.

Subpart 1: State Role

Subpart 1 describes that state's responsibility in authorizing IHEs to operate postsecondary educational programs within their bounds. States must provide information to ED about the

[47] For additional information on institutional reporting requirements, see CRS Report R40789, *Reporting and Disclosure Requirements for Institutions of Higher Education to Participate in Federal Student Aid Programs Under Title IV of the Higher Education Act*, by David P. Smole, archived.

[48] For additional information on the Income-Based Repayment Plan, see CRS Report R41127, *The SAFRA Act: Education Programs in the FY2010 Budget Reconciliation*, coordinated by Cassandria Dortch, archived.

[49] The Advisory Committee on Student Financial Assistance (ACSFA) was authorized through FY2015. However, the automatic one-year GEPA extension does not apply to the authorization of appropriations for commissions, councils, or committees that are required by statute to terminate on a specific date. ACSFA was first authorized through FY2014 and then reauthorized for an additional year, through FY2015 under P.L. 113-174. Congress did not extend the authorization for ACSFA beyond FY2015. In the absence of an authorization of appropriations, ACSFA disbanded and ceased operations. For additional information, see CRS Report R44206, *FY2016 Extension of the Higher Education Act: An Overview*, by David P. Smole and Alexandra Hegji, archived.

[50] For additional information on the program integrity triad, see CRS Report R43159, *Institutional Eligibility for Participation in Title IV Student Financial Aid Programs*, by Alexandra Hegji.

processes it uses to authorize institutions, notify ED if it has any evidence that an IHE has committed fraud in the administration of Title IV FSA programs, and notify ED if it revokes an IHE's authorization.

Subpart 2: Accrediting Agency Recognition

Subpart 2 describes the criteria the Secretary must use when determining whether to recognize an accrediting agency as a reliable authority for determining the quality of education or training offered at an IHE for the purposes of participating in Title IV FSA programs. Such requirements relate to an accrediting agency's structure, operating procedures (e.g., its institutional review process), and due process requirements.[51]

Subpart 3: Eligibility and Certification Procedures

Subpart 3 includes the eligibility and certification procedures administered by ED. Here, ED is responsible for verifying an institution's legal authority to operate within a state and its accreditation status. Additionally, ED must evaluate an institution's financial responsibility and administrative capacity to administer Title IV FSA programs.

Part I: Competitive Loan Auction Pilot Program

Part I authorized the Secretary to implement a pilot student loan auction program for lenders to obtain rights to disburse FFEL program parent PLUS loans. Loans are no longer being made through the FFEL program, and this program is currently inapplicable.

Title V: Developing Institutions

Title V is one of the primary sources of institutional support to Hispanic-serving institutions (HSIs) under the HEA. In general, Title V programs are similar in scope to the Title III-A and Title III-B programs authorized to support other types of minority-serving institutions.[52]

Part A: Hispanic-Serving Institutions

Title V, Part A authorizes the HSI program. This program provides competitive grants to HSIs that meet the HEA Section 312(b) criteria and that have an enrollment of undergraduate students that is at least 25% Hispanic students.

Authorized uses for grant funds are similar to those of the Title III-A programs, including facilities improvement, faculty development, curriculum development, and student services.

Part B: Promoting Postbaccalaureate Opportunities for Hispanic Americans

Part B of Title V establishes the Promoting Postbaccalaurate Opportunities for Hispanic Americans (PPOHA) program. This program provides competitive grants to eligible HSIs to

[51] For additional information on the accreditation process and its role in the program integrity triad, see CRS Report R43826, *An Overview of Accreditation of Higher Education in the United States*, by Alexandra Hegji.

[52] For additional information on Title IV programs, see CRS Report R43237, *Programs for Minority-Serving Institutions Under the Higher Education Act*, by Alexandra Hegji.

expand postbaccalaureate educational opportunities for Hispanic and low-income students. PPOHA grants are available to IHEs that meet the eligibility criteria for the Title V-A HSI program and that offer a postbaccalaureate certificate or degree program.

Authorized uses for grant funds are similar to those under the HSI program, but also include providing direct financial assistance (e.g., scholarships, fellowships) to Hispanic and low-income postbaccalaurate students.

Part C: General Provisions

Part C contains general provisions related to the HSI and PPOHA programs, including waiver authorities that apply to the administration of these programs and the authorized funding levels for these programs.

Title VI: International Education Programs

Title VI authorizes a variety of grants to IHEs and related entities to enhance instruction in foreign language and area and international studies.

Part A: International and Foreign Language Studies

Part A of Title VI authorizes a series of programs, centers, and fellowships related to international and foreign language studies.

Graduate and Undergraduate Language and Area Centers and Programs. This program provides grants to IHEs to establish and operate (1) National Resource Centers, which are comprehensive foreign language and area or international studies centers and programs, and (2) a network of undergraduate foreign language and area or international studies centers and programs.

Fellowships for Foreign Language and Area or International Studies. This program provides grants to IHEs to enable them to pay stipends to individuals participating in advanced training at National Resource Centers and Undergraduate International Studies and Foreign Language Program centers and programs.

Language Resource Centers. This program provides grants to IHEs for the purposes of establishing, strengthening, and operating national language resource and training centers, which serve as resources to improve the capacity to teach and learn foreign languages.

Undergraduate International Studies and Foreign Language Programs. This program provides grants to IHEs and related entities to plan, develop, and carry out programs to improve undergraduate instruction in international studies and foreign languages and to strengthen existing programs in undergraduate international studies and foreign language programs.

Technological Innovation and Cooperation for Foreign Information Access. This program provides grants to IHEs and related entities to develop innovative techniques or programs using electronic technologies to collect and disseminate information from foreign sources on world regions and foreign countries that address U.S. teaching and research needs in international education and foreign languages.

American Overseas Research Centers. This program provides grants to consortia of IHEs to establish or operate overseas research centers that promote postgraduate research, exchanges, and area studies.

Part B: Business and International Education Programs

Part B authorizes two programs to promote and enhance international business skills and education. The Centers for International Business Education program authorizes the Secretary to make grants to enable IHEs to establish and operate centers for international business education that serve as national resources for the teaching of international business, foreign languages, and international studies and provide research and training in the international aspects of trade and commerce. The Education and Training Program authorizes grants to IHEs to operate programs designed to promote linkages between IHEs and the American business community engaged in international economic activity.

Part C: Institute for International Public Policy

Part C establishes the Institute for International Public Policy, which provides a grant to a consortium of minority-serving institutions eligible under Title III, Parts A and B, and Title V to support the preparation of underrepresented minority students for international and foreign service careers. Allowable activities include the development of a study abroad program and fellowships for graduate study. Funds for the Institute have not been appropriated since FY2011.

Part D: General Provisions

Part D contains definitions relevant to Title VI and grants the Secretary waiver authority to reduce any nonfederal shares required by Title VI programs.

Part D also authorizes the Science and Technology Advanced Foreign Language Education Grant Program, which makes grants to IHEs to develop programs that teach foreign languages and emphasize the understanding of science and technology, foster international scientific collaboration, and provide professional development to K-12 teachers. This program has never received funding.

Title VII: Graduate and Postsecondary Improvement Programs

Title VII authorizes several programs related to supporting graduate education programs. Other programs authorized under Title VII encourage innovation in postsecondary education, enable IHEs to better serve disabled students, and support state-level postsecondary education improvements.

Part A: Graduate Education Programs

Part A authorizes programs to support graduate education.

Jacob K. Javits Fellowship Program. Subpart 1 establishes the Jacob K. Javits Fellowship Program, which awards fellowships for graduate study in the arts, humanities, and social sciences to students who intend to pursue a doctoral degree or the terminal highest degree awarded in the area of study. This program has not received funding since FY2011.

Graduate Assistance in Areas of National Need. Subpart 2 establishes the Graduate Assistance in Areas of National Need program, which awards fellowships to postbaccalaureate students who pursue the highest possible degree at their institutions and in areas of national need, as designated by the Secretary.

Thurgood Marshall Legal Educational Opportunity Program. Subpart 3 authorizes the Thurgood Marshall Legal Educational Opportunity Program, which provides a grant to the Council on Legal Education Opportunity (CLEO) to support low-income, minority, or disadvantaged secondary school and college students by providing such students with information, preparation, and financial assistance to gain access to and complete law school study and admission to law practice. This program has not received funding since FY2011.

Masters Degree Programs at Historically Black Colleges and Universities and Predominantly Black Institutions. This program provides grants to specified HBCUs and PBIs to improve graduate education opportunities for Black Americans at the master's level in mathematics, sciences, nursing, and other scientific disciplines. This program did not receive appropriations for FY2015 and FY2016; however, the program received appropriations in FY2017 to fund grants for Masters Degree Programs at Historically Black Colleges and Universities.

Part B: Fund for the Improvement of Postsecondary Education (FIPSE)

Part B of Title VII authorizes FIPSE, which authorizes the Secretary to award grants to and enter into contracts with IHEs and other nonprofit institutions and agencies to encourage the reform, innovation, and improvement of postsecondary education. Allowable uses of FIPSE grants and contracts include, but are not limited to, the design and introduction of cost-effective methods of instruction, reforms in graduate and remedial education, partnerships between high schools and colleges to establish programs to increase secondary school graduation rates of limited English proficient students, scholarships for the dependents of military service members, and special projects in areas of national need.

Part B also establishes the Board of the Fund for the Improvement of Postsecondary Education, which advises the Secretary on priorities for the improvement of postsecondary education and for the evaluation, dissemination, and adaptation or demonstrated improvements in postsecondary educational practice. Part B last received appropriations in FY2015.

Part D: Programs to Provide Students with Disabilities with a Quality Higher Education

Title VII, Part D[53] authorizes several programs related to postsecondary education for students with disabilities.

Demonstration Projects to Support Postsecondary Faculty, Staff, and Administrators in Educating Students with Disabilities. Subpart 1 authorizes a competitive grant or contract program for model demonstration projects, technical assistance, and professional development relating to teaching methods, secondary to postsecondary transitions, research, distance learning, career pathways transitions, professional development, and accessibility in postsecondary education. This program has not received funding since FY2010.

Transition Programs for Students with Intellectual Disabilities into Higher Education. Subpart 2 authorizes a competitive grant program for IHEs to create model transition and postsecondary education programs for students with intellectual disabilities.

[53] In 2008, the Higher Education Opportunity Act repealed Title VII, Part C, Urban Community Service; however, the act did not replace Part C.

Programs to Support Improved Access to Materials. Subpart 3 authorizes a competitive grant or contract program to eligible partnerships of IHEs and expert organizations for model demonstration programs to support improved access to postsecondary materials for students with print disabilities. This program has never been funded.

National Technical Assistance Center: Coordinating Center. Subpart 4 authorizes the Secretary to award a grant, contract, or cooperative agreement to an IHE or other nonprofit organization to establish and support a National Center for Information and Technical Support for Postsecondary Students with Disabilities, which offers a database of information on disabilities services in higher education and other support services. Subpart 4 also authorizes the Secretary to award a cooperative agreement to create a National Coordinating Center for IHEs offering inclusive, comprehensive transition programs for students with intellectual disabilities.

Part E: College Access Challenge Grant Program (CACG)

Part E of Title VII authorizes the College Access Challenge Grant Program, which fosters partnerships between federal, state, and local governments and philanthropic organizations through matching formula grants; the partnerships are intended to increase the number of low-income students who are prepared to enter and succeed in postsecondary education. Authorized activities for grant recipients include disseminating information about the benefits of a postsecondary education, outreach activities, need-based grant aid, and professional development for guidance counselors. CACG last received appropriations in FY2014.[54]

Title VIII: Additional Programs

Title VIII of the HEA includes 27 parts, each of which establishes one or more new programs focusing on an array of topics. All of the programs in Title VIII were newly added to the HEA by the Higher Education Opportunity Act of 2008. Most of these programs have not yet been funded.[55]

Several programs authorized under Title VIII support the goals of improving access to postsecondary education and improving enrollment, persistence, and completion rates. Generally, these programs seek to address the postsecondary education needs of specific groups of prospective or current postsecondary students. For instance, Part T, Centers of Excellence for Veteran Student Success, authorizes competitive grants to IHEs to support the academic, financial, physical, and social needs of students who are veterans of the Armed Forces.

Many other programs in Title VIII are directed at enhancing programs in certain areas of study to meet workforce needs. For instance, Part S, Training for Realtime Writers, authorizes the Secretary to award grants to postsecondary court reporting programs to promote training and placement of realtime writers.

Finally, Title VIII, Part AA provides annual mandatory appropriations through FY2014 to Masters Degree Programs at Historically Black Colleges and Universities and Predominantly Black

[54] Additionally, authorization to award grants under this program expired at the end of FY2014.

[55] Those Title VIII programs that have been funded at some point in time are Part S, Training for Realtime Writers (funded under FIPSE); Part T, Centers of Excellence for Veteran Student Success; and Part Z, Henry Kuualoha Giugni Kupuna Memorial Archives (funded under the Native Hawaiian Education program authorized by Part B of Title VII of the Elementary and Secondary Education Act (ESEA); and Part AA, Promoting Postbaccalaureate Opportunities for Hispanic Americans (initially funded under FIPSE).

Institutions and the PPOHA program, which are found under HEA Title VII-A-4 and Title V-B, respectively. The mandatory appropriations for these programs expired at the end of FY2014 and were not reauthorized. Thus, these programs have not received mandatory appropriations since FY2015.[56]

[56] For additional information, see CRS Report R44206, *FY2016 Extension of the Higher Education Act: An Overview*, by David P. Smole and Alexandra Hegji, archived.

Appendix A. History of Funding for HEA Programs: FY2013-FY2017

Table A-1 of this appendix lists the sections of the HEA that provide discretionary or mandatory authorization of appropriations or budget authority for HEA programs and presents the funding amounts provided for these programs for FY2013 through FY2017. The programs are presented in the order in which they appear in the HEA. For each program, the section authorizing the appropriation of funds or providing budget authority is identified, as is the indicator of whether funding is considered discretionary (D) or mandatory (M).

Table A-1. Funding for HEA-authorized programs, FY2013-2017

($ in thousands)

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Title I: General Provisions							
Title I, Part B: Additional General Provisions							
Alcohol & Drug Abuse Prevention Grants	§120	D	0	0	0	0	0
State Higher Education Information System Pilot Program	§136	D	0	0	0	0	0
Title I, Part D: Administrative Provisions for Delivery of Student Financial Assistance							
Performance Based Organization for Delivery of Student Financial Aid	§141	D	[combined with §458 below]	[combined with §458 below]	[combined with §458 below]	[combined with §458 below]	[combined with §458 below]
Title II: Teacher Quality Enhancement							
Title II, Part A: Teacher Quality Partnership Grants							
Teacher Quality Partnerships Grants	§209	D[c]	40,592	40,592	40,592	43,092	43,092
Pre-Baccalaureate Preparation Program							
Teacher Residency Program							
Leadership Development Program							

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Title II, Part B: Enhancing Teacher Education							
Enhancing Teacher Education Grants	§230	D	0	0	0	0	0
Preparing Teachers for Digital Age Learners							
Hawkins Center of Excellence							
Teach to Reach Grants							
Adjunct Teachers Corps							
Graduate fellowships to Prepare Faculty in High-Need Areas							
Title III: Institutional Aid							
Title III, Part A: Strengthening Institutions							
Strengthening Institutions	§399	D	76,406	79,139	80,462	86,534	86,534
Tribally Controlled Colleges & Universities	§399	D	24,368	25,239	25,662	27,599	27,599
	§371	M[d]	28,470	27,840	27,810	27,960	27,930
Alaska Native and Native Hawaiian-Serving Institutions	§399	D	12,186	12,622	12,833	13,802	13,802
	§371	M[d]	14,235	13,920	13,905	13,980	13,965
Predominantly Black Institutions	§399	D	8,778	9,092	9,244	9,942	9,942
	§371	M[d]	14,235	13,920	13,905	13,980	13,965

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Native American-Serving, Nontribal Institutions	§399	D	2,956	3,062	3,113	3,348	3,348
	§371	M[d]	4,745	4,640	4,635	4,660	4,655
Asian American and Native American Pacific Islander-Serving Institutions	§399	D	2,956	3,062	3,113	3,348	3,348
	§371	M[d]	4,745	4,640	4,635	4,600	4,655
Title III, Part B: Historically Black Colleges and Universities							
Historically Black Colleges and Universities	§399	D	216,056	223,783	227,524	244,694	244,694
	§371	M[d]	80,665	78,880	78,795	79,220	79,135
Historically Black Graduate Institutions	§399	D	55,874	57,872	58,840	63,281	63,281
Title III, Part C: Endowment Challenge Grants for Institutions Eligible for Assistance Under Part A or Part B							
Endowment Challenge Grants	§399	D	0	0	0	0	0
Title III, Part D: Historically Black College and University Capital Financing							
Historically Black Colleges and University Capital Financing[e]	§399	D	19,096	19,096	19,096	20,150	20,150
	§343	M	797	35,754	31,199	21,656	201,110
Capital Improvement Technical Assistance	§399	D	0	0	0	0	0
Title III, Part E: Minority Science and Engineering Improvement Program							
Minority Science & Engineering Improvement Program	§399	D	8,971	8,971	8,971	9,648	9,648

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Programs in STEM Fields	§399	D	0	0	0	0	0
YES Partnerships Grants							
Promotion of Entry into STEM Fields							
Title IV: Student Assistance							
Title IV, Part A: Grants to Students in Attendance at Institutions of Higher Education							
Federal Pell Grants Programs	§401	D	22,778,352	22,778,352	22,475,352	22,475,352	22,475,352
Mandatory Appropriations Provided to Supplement Discretionary Funding	§401	M[f]	7,587,000	588,000	0	0	1,320,000
Mandatory Add-On Award	§401	M	4,854,184	4,835,469	5,152,933	4,840,361	6,630,676
Academic Competitiveness Grants and national Science and Mathematics Access to Retain Talent (SMART) Grants	§401A	M[g]	—	—	—	—	—
Deferral to next fiscal year		M	—	—	—	—	—
TRIO Programs	§402A	D[c]	795,998	838,252	839,752	900,000	950,000

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Talent Search							
Upward Bound							
Student Support Services							
McNair Postbaccalaureate Achievement Program							
Education Opportunity Centers							
Mandatory Funds for Upward Bound[h]	§402C	M[c]	—	—	—	—	—
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)	§404H	D	286,435	301,639	301,639	322,754	339,754
Federal Supplemental Educational Opportunity Grants (FSEOG)	§413A	D	696,175	733,130	733,130	733,130	733,130
Leveraging Educational Assistance Partnership (LEAP) Grants	§415A	D	0	0	0	0	0
Grants for Access and Persistence (GAP)	§415A	D	0	0	0	0	0

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Special Programs for Migrant Students	§418A	D	34,623	34,623	37,474	44,623	44,623
Robert C. Byrd Honors Scholarship	§419K	D	0	0	0	0	0
Child Care Access Means Parents in School	§419N	D	15,134	15,134	15,134	15,134	15,134
Teacher Education Assistance for College and Higher Education (TEACH) Grants: New loan subsidies	§420O	M	13,100	14,576	15,884	13,692	14,930
TEACH Grants: Net reestimates of existing loans (non-add)	§420O	M	-15,731	-9,531	-31,178	-1,816	138,412
Iraq and Afghanistan Service Grants	§420R	M	236	294	369	453	442
Title IV, Part B: Federal Family Education Loan Program							
Federal Family Education Loan (FFEL) program:	§421	M	—	—	—	—	—
Net new subsidy cost							
FFEL: Net reestimate of existing loans (non-add)	§421	M	-6,843,641	-1,655,679	-3,293,567	-1,226,278	10,785,834
FFEL: Net modifications of existing loans (non-add)	§421	M	0	-4,020,363	0	0	0

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Loan Forgiveness for Service in Areas of National Need	§428K	D	0	0	0	0	0
Loan Repayment for Civil Legal Assistance Attorneys	§428L	D	0	0	0	0	0
Title IV, Part C: Federal Work-Study Programs							
Federal Work Study	§441	D	925,595	974,728	989,728	989,728	987,728
Off-Campus Community Service	§447	D	0	0	0	0	0
Work Colleges	§448	D	[included with §441 amount]	[included with §441 amount]	[included with §441 amount]	[included with §441 amount]	[included with §441 amount]
Title IV, Part D: William D. Ford Federal Direct Loan Program							
Direct Loan program: Net new loan subsidies (non-add)	§451	M	-30,032,763	-22,508,729	-4,332,982	-9,165,366	-1,961,127
Direct Loan program: Net reestimate of existing loans (non-add)	§451	M	-8,151,717	6,793,632	12,328,957	7,693,290	28,430,232
Direct Loan program: Net modification of existing loans (non-add)	§451	M	0	0	9,307,220	0	364,394
Student Aid Administration	§458	D	978,924[i]	1,166,000[j]	1,396,924[k]	1,551,854	1,576,854
Not-for-Profit Servicing Contractors[l]	§458	M	367,593	226,891	—	—	—
Technical Assistance	§458	D[g]	—	—	—	—	—

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Loan Servicer Job Retention	§458	M[c]	—	—	—	—	—
Account Maintenance Fees[m]	§458	M	0	0	0	0	0
Title IV, Part E: Federal Perkins Loans							
Federal Perkins Loans[n]	§461	D	0	0	0	0	0
Federal Perkins Loans Repayments[o]	§461	M	-28,000	-28,000	-28,000	-231,494	-179,038
Federal Perkins Loans Cancellations	§465	D	0	0	0	0	0
Title IV, Part G: General Provisions Relating to Student Assistance Programs							
Advisory Committee on Student Financial Assistance	§491	D	[funded from ED program admin., but not less than 800]	[funded from ED program admin., but not less than 800]	[funded from ED program admin., but not less than 800]	0[p]	0
Title IV , Part I: Competitive Loan Auction Program							
Parent PLUS Loan Pilot Auction program	§499	M	0	0	0	0	0
Title V: Developing Institutions							
Title V, Part A: Hispanic-Serving Institutions							
Hispanic-Serving Institutions	§528	D	95,179	98,583	100,231	107,795	107,795
	§371	M[d]	94,900	92,800	92,700	93,200	93,100
Title V, Part B: Promoting Postbaccalaureate Opportunities for Hispanic Americans							
Promoting Postbaccalaureate	§528	D	8,540	8,845	8,992	9,671	9,671

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Opportunities for Hispanic Americans	§898	M	10,914	10,672	—[q]	—	—
Title VI: International Education Programs							
Title VI, Part A: International and Foreign Language Programs							
International & Foreign Language Programs	§610	D	63,103 [includes Title VI, Part B]	65,103 [includes Title VI, Part B]	65,103 [includes Title VI, Part B]	65,103 [includes Title VI, Part B]	65,103 [includes Title VI, Part B]
Title VI, Part B: Business and International Education Programs							
Centers for International Business Education	§614	D	[included with Title VI, Part A]	[included with Title VI, Part A]	[included with Title VI, Part A]	[included with Title VI, Part A]	[included with Title VI, Part A]
Business & International Education Training Programs	§614	D	[included with Title VI, Part A]	[included with Title VI, Part A]	[included with Title VI, Part A]	[included with Title VI, Part A]	[included with Title VI, Part A]
Title VI, Part C: Institute for International Public Policy							
Institute for International Public Policy	§629	D	0	0	0	0	0
Title VI, Part D: General Provisions							
Science & Technology Advanced Foreign Language Education Grant Program	§637	D	0	0	0	0	0
Title VII: Graduate and Postsecondary Improvement Programs							
Jacob K. Javits Fellowship Program	§705	D	0	0	0	0	0

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Graduate Assistance in Areas of National Need	§716	D	29,293	29,293	29,293	29,293	28,047
Thurgood Marshall Legal Educational Opportunity Program	§721	D	0	0	0	0	0
Masters Degree Programs at Historically Black Colleges and Universities[r]	§725	D	0	0	0	0	7,500
	§897	M	10,914	10,672	—[q]	—	—
Masters Degree Programs at Predominantly Black Institutions[r]	§725	D	[combined with §725 above]	[combined with §725 above]	[combined with §725 above]	[combined with §725 above]	0
	§897	M	[combined with §897 above]	[combined with §897 above]	[combined with §897 above]	[combined with §897 above]	[combined with §897 above]
Title VII, Part B: Fund for the Improvement of Postsecondary Education							
Fund for the Improvement of Postsecondary Education	§745	D	2,242	3,274	67,775	—	—
Title VII, Part D: Programs to Provide Students with Disabilities with a Quality Higher Education							
Demonstration Projects	§765	D	0	0	0	0	0
Model Transition Programs	§769	D	10,384	10,384	11,800[s]	11,800[s]	11,800[s]
Access to Materials	§775	D	0	0	0	0	0

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
National Technical Assistance Center	§778	D	0	0[t]	0[t]	0	0
Coordinating Center	§778	D	0	0	0[u]	0[u]	0[u]
Title VIII, Part E: College Access Challenge Grant Program							
College Access Challenge Grant	§781	M[q]	142,350	139,200	—	—	—
	§781	D	0	0	0	0	0
Title VIII: Additional Programs							
Part A-Project GRAD	§801	D	0	0	0	0	0
Part B-Mathematics and Science Scholars	§802	D	0	0	0	0	0
Part C-Business Workforce Partnerships for Job Skill Training	§803	D	0	0	0	0	0
Part D-Capacity for Nursing Students and Faculty	§804	D	0	0	0	0	0
Part E-American History for Freedom	§805	D	0	0	0	0	0
Part F-Teach for America	§806	D	0	0	0	0	0
Part G-Patsy T. Mink Fellowship	§807	D	0	0	0	0	0
Part H-Improving College Enrollment by Postsecondary Schools	§808	D	0	0	0	0	0

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Part I-Early Childhood Education Professional Development	§818	D	0	0	0	0	0
Part J-Improving STEM Education with a Focus on Alaska Native and Native Hawaiian Students	§819	D	0	0	0	0	0
Part K-Pilot Programs to Increase College Persistence and Success	§820	D	0	0	0	0	0
Part L-Student Safety and Campus Emergency Management	§821	D	0	0	0	0	0
Part L-Education Disaster and Emergency Relief Loan Program	§824	D	0	0	0	0	0
Part M-Incentives and Rewards for Low Tuition	§830	D	0	0	0	0	0
Part N: Cooperative Education	§835	D	0	0	0	0	0
Grants for Cooperative Education							

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Demonstration and Innovation Projects; Training and Resources Centers; and Research							
Part O-College Partnership Grants	§841	D	0	0	0	0	0
Part P-Jobs to Careers	§851	D	0	0	0	0	0
Part Q-Rural Development Grants	§861	D	0	0	0	0	0
Part R-Campus-Based Digital Theft Prevention	§871	D	0	0	0	0	0
Part S-Training for Realtime Writers	§872	D	1,069[v]	1,126[v]	0	0	0
Part T-Centers of Excellence for Veteran Student Success	§873	D	0	0	5,000[w]	0	0
Part U-University Sustainability	§881	D	0	0	0	0	0
Part V-Modeling and Simulation Programs	§891	D	0	0	0	0	0
Modeling and Simulation Task Force							
Modeling and Simulation Enhancement Grants							

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Modeling and Simulation Establishment Grants							
Part W-Path to Success Reentry Education Grants	§892	D	0	0	0	0	0
Part X-School of Veterinary Medicine Competitive Grant Program	§893	D	0	0	0	0	0
Part Y-Early Federal Pell Grant Commitment Demonstration Program	§894	D	0	0	0	0	0
Part Z-Kupuna Memorial Archives	§895	D	0	0	0	0	0
Prior Rights and Obligations for Previously Authorized Higher Education Act Programs							
College Housing and Academic Facilities Loans Program (CHAFL): Liquidating Account	§121	M	-364	-364	-364	-364	-364
CHAFL: Upward reestimates of existing loan subsidies[x]	§121	M	0	47	18	88	54
CHAFL: Downward reestimate of existing loan subsidies (non-add) [y]	§121	M	-990	-197	-88	-236	0

Program, by Title and Part	Auth. Sec.	Disc./Mand. (D/M)	Appropriations and Budget Authority[a] ($ in thousands)[b]				
			FY2013	FY2014	FY2015	FY2016	FY2017
Programs Authorized in Acts to Reauthorize and Amend the Higher Education Act							
Higher Education Opportunity Act							
National Center for Research in Advanced Information and Digital Technologies	§802	D	0	0	0	0	0
Pilot Grant Program for Course Material Rental	§803	D	0	0	0	0	0
Higher Education Amendments of 1998							
Workplace and Community Transition Training for Incarcerated Individuals	§821	D	0	0	0	0	0
Underground Railroad Educational and Cultural Program	§841	D	0	0	0	0	0
Higher Education Amendments of 1992							
Olympic Scholarships	§1543	D	0	0	0	0	0

Sources: Compiled by CRS from U.S. Department of Education, Budget Tables for various years; and from unpublished data provided by the U.S. Department of Education Budget Service.

a. Unless otherwise noted, all provisions were authorized through FY2014 under the HEA, were automatically extended through FY2015 under Section 422 of the General Education Provisions Act, and received additional appropriations through multiple continuing resolutions (CRs) and appropriations bills. An entry of zero indicates that no funds were appropriated or provided for the program in that fiscal year, while a dash (—) indicates that appropriations for a program's mandatory appropriations or budget authority were not authorized for a fiscal year.

b. Annual appropriations reflect the final amount appropriated, including any spending reductions authorized by the Budget Control Act of 2011 (BCA; P.L. 112-25), commonly referred to as "sequestration."

c. Authorization expired at the end of FY2011.

d. Authorized through FY2019.

e. Section 505(e) of the Federal Credit Reform Act of 1990 authorizes appropriations for administrative costs for federal agencies that are authorized to make direct loan obligations or loan guarantee commitments. In accordance with this provision, discretionary appropriations to administer this program are made annually. In FY2017, $334,000 was appropriated.

f. Authorized through FY2017.

g. Authorization expired at the end of FY2010.

h. Mandatory appropriations for the Upward Bound program were authorized for FY2008-FY2011. Since FY2012, Upward Bound has only received an allocation of the discretionary appropriations provided to all of the TRIO programs as a whole.

i. For FY2013, the Student Aid Administration appropriation total reflects transfers of $7,688,000 to Program Administration, $1,000,000 to the Office of Civil Rights, and $1,100,000 to the Office of the inspector general.

j. For FY2014, the Student Aid Administration appropriation total excludes a transfer of $996,000 in appropriations from the Department of Health and Human Services to the Department of Education for the Health Education Assistance Loan (HEAL) program. Authority for program administration of the HEAL program was transferred under the Consolidated Appropriations Act, 2014 (P.L. 113-76).

k. For FY2015, the Student Aid Administration appropriation total does not reflect a $3,500,000 transfer to Program Administration, under the department's transfer authority.

l. Authority for mandatory appropriations for not-for-profit servicing contracts was repealed by the Bipartisan Budget Act of 2013 (H.J.Res. 59).

m. As interpreted and implemented by ED, "The Deficit Reduction Act (P.L. 109-171) shifted the payment of account maintenance fees, [which is] authorized under Section 458(a)(4) of the HEA, to subsidy cost from administration funds or from the Federal Fund." U.S. Department of Education, Federal Student Aid, 2007 Annual Report, p. 56. Nonetheless, ED interprets HEA §458(a)(4) as providing the authority for transactions with the non-budgetary FFEL program financing account. Authority for transactions with the non-budgetary FFEL program financing account expired at the end of FY2016 and was extended through FY2017 under the Consolidated Appropriations Act, 2017 (P.L. 115-31).

n. The Perkins Loans program Extension Act of 2015 (P.L. 114-105) extends IHEs' abilities to award new Perkins Loans to eligible students through FY2017. It specifically prohibits new appropriations to be made beyond FY2015 for the purpose of awarding new Perkins Loans and makes the GEPA §422 automatic one-year extension inapplicable to the program.

o. Repayments of Federal Perkins Loans represents payments made by borrowers on their outstanding Federal Perkins loans that have been assigned to ED from the borrower's school.

p. Authorization for the committee expired on October 1, 2015. Congress neither reauthorized the program nor provided additional appropriations to continue the program's operations beyond FY2015.

q. Authorization expired at the end of FY2014.

r. Although Masters Degrees at HBCUs and Masters Degrees at PBIs are administered by ED as separate programs, prior to FY2017 they were grouped together within the Department of Education's budget for budgetary purposes; therefore, no separate appropriations for the individual programs are listed for FY2013-FY2016. However, for the first time in FY2017, Congress provided discretionary appropriations for the Masters Degrees at HBCUs program but not the Masters Degrees at PBIs program.

s. HEA Section 769(b) provides that a reservation of funds shall be made for the National Coordinating Center (NCC; for which an authorization of appropriations is also provided in HEA Section 778), if appropriations for Transition Programs for Students with Intellectual Disabilities Into Higher Education be provided. Under HEA Section 769(b), $2 million has been provided for the NCC in each of FY2015, FY2016, and FY2017.

t. Funds were provided for The National Center for Information and Technical Support for Postsecondary Students with Disabilities in FY2015 under the authority of the Fund for the Improvement of Postsecondary Education (FIPSE). The project was fully front-loaded at approximately $2.5 million for a project period through September 30, 2019.

u. It does not appear that the National Coordinating Center (NCC) has ever received an appropriation under the authority provided under HEA Section 778. HEA Section 769(b) provides that a reservation of funds shall be made for the NCC, if appropriations for Transition Programs for Students with Intellectual Disabilities Into Higher Education be provided. Under this authority, $2 million has been provided for the NCC in each of FY2015, FY2016, and FY2017.

v. Funds were provided to this program under the authority of FIPSE.

w. Funds were been provided to this program under the authority of FIPSE.

x. In accordance with Section 505(e) of the Federal Credit Reform Act of 1990, discretionary appropriations are made available annually to administer this program. In FY2017, $435,000 was appropriated.

y. The federal budget treats the downward reestimate of existing loan subsidies as receipts. Because the CHAFL program does not have the authority to retain these receipts, they are attributed to the General Fund of the Treasury. The display of these downward reestimates in this table is for informational purposes only and does not reflect budget authority that is available to the CHAFL program. It should not be added to the upward reestimate of existing loan subsidies found above.

Appendix B. General Education Provisions Act

The General Education Provisions Act (GEPA) contains a broad array of statutory provisions that are applicable to the majority of federal education programs administered by the Department of Education (ED),[57] as well as provisions related to the powers and responsibilities of ED. These provisions cover topics as varied as appropriations, evaluations, privacy, and enforcement. This appendix briefly discusses several of the GEPA provisions that apply to programs authorized by the Higher Education Act (HEA).[58]

Part A: Functions of the Department of Education

GEPA, Part A includes provisions related to the authority and responsibility of ED to administer education programs. It confers regulatory authority on the Secretary of Education and specifies that any regulation affecting an institution of higher education shall only become effective if the regulation is published in the *Federal Register* with an educational impact assessment statement.

Part B: Appropriations and Evaluations

GEPA, Part B includes provisions that address, among other issues, authorizing forward funding for programs (e.g., appropriated funds that are to be obligated in FY2011 may be appropriated in the FY2010 appropriations act).

Section 422 of GEPA provides that if Congress, in the regular session that ends prior to the beginning of the terminal fiscal year of authorization of appropriations of an applicable program, does not pass legislation extending the program, the program is automatically extended for one additional fiscal year.[59] This provision does not apply to the authorization of appropriations for commissions, councils, or committees that have statutorily specified termination dates.

Part C: General Requirements and Conditions Concerning the Operation and Administration of Education Programs

GEPA, Part C addresses the general authority of the Secretary, administrative requirements and limitations, the administration of education programs and projects by states, and records and limitations on withholding federal funds. Part C also contains the Family Educational Rights and Privacy Act, which provides privacy protections for student records.[60] Part C clarifies that no provision of any applicable programs is intended to authorize federal control over educational curriculum, administration, or personnel of any educational institutions.

[57] 20 U.S.C.§1221 et seq.

[58] For additional information on GEPA, see CRS Report R41119, *General Education Provisions Act (GEPA): Overview and Issues*, by Rebecca R. Skinner and Jody Feder, archived.

[59] If Congress does not act to reauthorize a program within the one-year extension period, the program is technically no longer authorized; however, so long as a program continues to receive appropriations, it is considered to be implicitly authorized.

[60] For additional information on the Family Educational Rights and Privacy Act, see CRS Report RS22341, *The Family Educational Rights and Privacy Act (FERPA): A Legal Overview*, by Jody Feder.

Part D: Enforcement

GEPA, Part D addresses the enforcement of laws and regulations administered by ED, including the establishment of ED's Office of Administrative Law Judges, procedures for recovering federal funds from recipients, and remedies for violations of ED laws and programs.

Appendix C. Previous HEA Reauthorizations

Although Congress may amend the HEA at any point in time, in general, reauthorizations are comprehensive and amend, extend, delete, and establish new programs. The HEA was first enacted in 1965 and has been comprehensively reauthorized eight times, in 1968, 1972, 1976, 1980, 1986, 1992, 1998, and 2008. Authorization for most HEA programs expired at the end of FY2014. GEPA authorized the appropriation of funds for one additional year through FY2015, and additional funds for many of the expired programs have been appropriated since FY2015. **Table C-1** lists the previous reauthorization, their public law numbers, and additional resources about each reauthorization, when available.

Table C-1. Comprehensive Reauthorizations of the Higher Education Act of 1965

Reauthorization	Public Law Number	Additional Resources
Higher Education Amendments of 1968	P.L. 90-575	CRS Report ED 340, *The Higher Education Amendments of 1968,* by Colleen Campbell; archived, available to congressional clients on request.
Higher Education Amendments of 1972	P.L. 92-318	CRS Report 72-146, *Major Provisions of the Education Amendments on 1972—P.L. 92-318*, by Colleen Campbell; archived, available to congressional clients on request.
Higher Education Amendments of 1976	P.L. 94-482	CRS Report 77-9, *Summary of the Higher Education Act of 1965, as amended, including the Education Amendments of 1976*, by William Sanda; archived, available to congressional clients on request.
Higher Education Amendments of 1980	P.L. 96-374	—
Higher Education Amendments of 1986	P.L. 99-498	CRS Report 87-187, *The Higher Education Amendments of 1986 (*P.L. 99-498*)*, by Education and Public Welfare Division; archived, available to congressional clients on request.
Higher Education Amendments of 1992	P.L. 102-325	CRS Report 92-690, *Summary of Amendments to the Higher Education Act of 1965 (*P.L. 102-325*)*, by Margot A. Schenet; archived, available to congressional clients on request.
Higher Education Act Amendments of 1998	P.L. 105-244	CRS Report RL30063, *The Higher Education Act: reauthorization by the 105th Congress*, by James B. Stedman; archived, available to congressional clients on request.
Higher Education Opportunity Act of 2008	P.L. 110-315	CRS Report RL34654, *The Higher Education Opportunity Act: Reauthorization of the Higher Education Act*, by David P. Smole et al., archived.

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Key Policy Staff

This report provides a general overview of the major HEA provisions. For information on a specific program or policy issue, see the following Key Policy Staff table. Congressional clients may click on the analyst's name in the HTML version of the report for email access.

Area of Expertise	Name
FAFSA, Need Analysis	Benjamin Collins
Pell Grants, TRIO Programs, GEARUP, Veterans' Education Benefits, Graduate Programs	Cassandria Dortch
Campus-Based Programs	Josselyn H. Fountain
Institutional Eligibility, Institutional Aid, Minority Serving Institutions	Alexandra Hegji
Teacher Quality Programs, TEACH Grants, International Education Programs, STEM Education	Jeff Kuenzi
FFEL program, Direct Loan program	David P. Smole

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