

Luke Messer
6th District, Indiana

Republican Policy Committee
Chairman

Committee on Financial Services

Committee on Education
and the Workforce

Deputy Whip



Congress of the United States
House of Representatives
Washington, DC 20515

October 11, 2016

The Honorable John B. King, Jr.
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Mr. Secretary:

On September 6, 2016, officials at ITT Technical Institute announced that it will immediately discontinue operations and begin the process of closing the institution. Soon thereafter, the Federal Student Aid Office of the U.S. Department of Education (ED) published information on its website to assist students affected by the closure and to help answer frequently asked questions.¹

The published information explicitly states that students who were using federal Pell Grant benefits to attend an institution of higher education at the time the institution closed are not eligible to have those benefits restored or “reset”. Further stating that, “Irrespective of a transfer or a closed school loan discharge due to a school closure, the lifetime Pell eligibility does not ‘reset.’ Any change to this provision would need to be executed via legislation, as the Higher Education Act does not currently provide ED the authority to perform such a reset.”

However, Section 437(c)(3) of the Higher Education Act (HEA) specifically directs the Department of Education to not count any Pell Grant benefits against a student's period of lifetime Pell Grant eligibility, if a student is unable to complete a course of study due to the closing of the institution. The statute states:

“The period of a student's attendance at an institution at which the student was unable to complete a course of study due to the closing of the institution shall not be considered for purposes of calculating the student's period of eligibility for additional assistance under this title.”²

According to U.S. House of Representatives legal counsel, Section 437(c)(3) requires the Department of Education to restore or reset Pell eligibility for these students and, consequently, there is no need for a legislative fix referenced in information posted on the Department of Education's website.

¹ <https://studentaid.ed.gov/sa/about/announcements/itt/faq>

² Section 437(c)(3) of the Higher Education Act of 1965

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Accordingly, I request the Department of Education reset or restore Pell Grant benefits to any students who were unable to complete a course of study at an institution because of the closure of the institution.

If the Department of Education is unwilling to restore Pell eligibility, please clarify why you believe Section 437(c)(3) provides inadequate legal authority to do so.

Sincerely,

A handwritten signature in blue ink that reads "Luke Messer". The signature is fluid and cursive, with the first name "Luke" and last name "Messer" clearly distinguishable.

Luke Messer
Member of Congress