(6) An Internet link to the Better Business
Bureau in order to assist individuals in assessing
the business practices of other persons and
entities.

(7) Information on means of communicating
with the Federal Student Aid Information
Center, including telephone and Internet con-
tact information.


CODIFICATION
Section was enacted as part of the College Scholar-
ship Fraud Prevention Act of 2000, and not as part of
title IV of the Higher Education Act of 1965 which com-
prises this subchapter.

FINDINGS
Pub. L. 106–420, § 2, Nov. 1, 2000, 114 Stat. 1867, pro-
vided that: "Congress makes the following findings:
''(1) A substantial amount of fraud occurs in the of-
ferring of college education financial assistance serv-
ces to consumers.
''(2) Such fraud includes the following:
''(A) Misrepresentations regarding the provision
of sources from which consumers may obtain finan-
cial assistance (including scholarships, grants,
loans, tuition, awards, and other assistance) for
purposes of financing a college education.
''(B) Misrepresentations regarding the provision
of portfolios of such assistance tailored to the needs
of specific consumers.
''(C) Misrepresentations regarding the pre-selection
of students as eligible to receive such assistance.
''(D) Misrepresentations that such assistance will
be provided to consumers who purchase specified
services from specified entities.
''(E) Misrepresentations regarding the business
relationships between particular entities and enti-
ties that award or may award such assistance.
''(F) Misrepresentations regarding refunds of
processing fees if consumers are not provided speci-
fied amounts of such assistance, and other mis-
representations regarding refunds.
''(3) In 1996, the Federal Trade Commission
launched ‘Project Scholarscam’, a joint law enforce-
ment and consumer education campaign directed at
fraudulent purveyors of so-called ‘scholarship serv-
ces’.
''(4) Despite the efforts of the Federal Trade Com-
mission, colleges and universities, and nongovern-
mental organizations, the continued lack of aware-
ness about scholarship fraud permits a significant
amount of fraudulent activity to occur.''

§ 1092e. College access initiative
(a) State-by-State information
The Secretary shall direct each guaranty
agency with which the Secretary has an agree-
ment under section 1078(c) of this title to pro-
vide to the Secretary the information necessary
for the development of Internet web links and
access for students and families to a comprehen-
sive listing of the postsecondary education op-
portunities, programs, publications, Internet
web sites, and other services available in the
States for which such agency serves as the des-
ignated guarantor.

(b) Guaranty agency activities
(1) Plan and activity required
Each guaranty agency with which the Sec-
retary has an agreement under section 1078(c)
of this title shall develop a plan, and under-
take the activity necessary, to gather the in-
formation required under subsection (a) and to
make such information available to the public
and to the Secretary in a form and manner as
prescribed by the Secretary.

(2) Activities
Each guaranty agency shall undertake such
activities as are necessary to promote access
to postsecondary education for students
through providing information on college
planning, career preparation, and paying for
college. The guaranty agency shall publicize
such information and coordinate such activi-
ties with other entities that either provide or
distribute such information in the States for
which such guaranty agency serves as the des-
ignated guarantor.

(3) Funding
The activities required by this section may
be funded from the guaranty agency’s Operat-
ing Fund established pursuant to section 1072b
of this title, and, to the extent funds remain,
from earnings on the restricted account estab-
lished pursuant to section 1072(h)(4) of this
title.

(4) Rule of construction
Nothing in this subsection shall be con-
strued to require a guaranty agency to dupli-
cate any efforts under way on February 8, 2006,
that meet the requirements of this section.

(c) Access to information
(1) Secretary’s responsibility
The Secretary shall ensure the availability
of the information provided, by the guaranty
agencies in accordance with this section, to
students, parents, and other interested indi-
viduals, through Internet web links or other
methods prescribed by the Secretary.

(2) Guaranty agency responsibility
The guaranty agencies shall ensure that the
information required by this section is avail-
able without charge in printed format for stu-
dents and parents requesting such informa-
tion.

(3) Publicity
Not later than 270 days after February 8,
2006, the Secretary and guaranty agencies
shall publicize the availability of the informa-
tion required by this section, with special em-
phasis on ensuring that populations that are
traditionally underrepresented in postsec-
ondary education are made aware of the avail-
ability of such information.

(Pub. L. 89–329, title IV, § 485D, as added Pub. L.
179.)

EFFECTIVE DATE
Section effective July 1, 2006, except as otherwise pro-
vided, see section 8001(c) of Pub. L. 109–171, set out as
an Effective Date of 2006 Amendment note under sec-
ction 1082 of this title.

§ 1092f. Early awareness of financial aid eligi-
bility
(a) In general
The Secretary shall implement, in cooperation
with States, institutions of higher education,
secondary schools, early intervention and outreach programs under this subchapter and part C of subchapter I of chapter 34 of title 42, other agencies and organizations involved in student financial assistance and college access, public libraries, community centers, employers, and businesses, a comprehensive system of early financial aid information in order to provide students and families with early information about financial aid and early estimates of such students' eligibility for financial aid from multiple sources. Such system shall include the activities described in subsection (b).

(b) Communication of availability of aid and aid eligibility

(1) Students who receive benefits

The Secretary shall—

(A) make special efforts to notify students who receive or are eligible to receive benefits under a Federal means-tested benefit program (including the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)), or another such benefit program as determined by the Secretary, of such students' potential eligibility for the Federal Pell Grant amount, determined under section 1070a(a)(2)(A) of this title, for which the student would be eligible; and

(B) disseminate such informational materials, that are part of the system described in subsection (a), as the Secretary determines necessary.

(2) Secondary school students

The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, secondary schools, and programs under this subchapter and part C of subchapter I of chapter 34 of title 42 that serve secondary school students, shall make special efforts to notify students in secondary school and their families, as early as possible but not later than such students' junior year of secondary school, of the availability of financial aid under this subchapter and part C of subchapter I of chapter 34 of title 42 and shall provide nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this subchapter and part C of subchapter I of chapter 34 of title 42 upon completion of an application form under section 1090(a) of this title. The Secretary shall ensure that such information—

(A) is as accurate as possible;

(B) includes specific information regarding the availability of financial aid for students qualified as independent students, as defined in section 1087vv(d) of this title; and

(C) uses dissemination mechanisms suitable for adult learners.

(4) Public awareness campaign

Not later than two years after August 14, 2008, the Secretary, in cooperation with States, institutions of higher education, early intervention and outreach programs under this subchapter and part C of subchapter I of chapter 34 of title 42, other agencies and organizations involved in college access and student financial aid, secondary schools, organizations that provide services to individuals that are or were homeless, to individuals in foster care, or to other disconnected individuals, local educational agencies, public libraries, community centers, businesses, employment services, workforce investment boards, and movie theaters, shall implement a public awareness campaign in order to increase national awareness regarding the availability of financial aid under this title. The public awareness campaign shall disseminate accurate information regarding the availability of financial aid under this subchapter and part C of subchapter I of chapter 34 of title 42 and shall be implemented, to the extent practicable, using a variety of media, including print, television, radio, and the Internet. The Secretary shall design and implement the public awareness campaign based upon relevant independent research and the information and dissemination strategies found most effective in implementing paragraphs (1) through (3).

References in Text


Amendments

2010—Subsec. (b)(1)(A). Pub. L. 111–152 substituted “of such students' potential eligibility for the Federal Pell Grant amount, determined under section 1070a(a)(2)(A) of this title, for which the student would be eligible” for “of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A”.

Effective Date of 2010 Amendment

Amendment by Pub. L. 111–152 effective July 1, 2010, see section 2101(c) of Pub. L. 111–152, set out as a note under section 1070a of this title.
§ 1093. Distance education demonstration programs

(a) Purpose

It is the purpose of this section—

(1) to allow demonstration programs that are strictly monitored by the Department of Education to test the quality and viability of expanded distance education programs currently restricted under this chapter and part C of subchapter I of chapter 34 of title 42;

(2) to provide for increased student access to higher education through distance education programs; and

(3) to help determine—

(A) the most effective means of delivering quality education via distance education course offerings;

(B) the specific statutory and regulatory requirements which should be altered to provide greater access to high quality distance education programs; and

(C) the appropriate level of Federal assistance for students enrolled in distance education programs.

(b) Demonstration programs authorized

(1) In general

In accordance with the provisions of subsection (d) of this section, the Secretary is authorized to select institutions of higher education, systems of such institutions, or consortia of such institutions for voluntary participation in a Distance Education Demonstration Program that provides participating institutions with the ability to offer distance education programs that do not meet all or a portion of the sections or regulations described in paragraph (2).

(2) Waivers

The Secretary is authorized to waive for any institution of higher education, system of institutions of higher education, or consortium participating in a Distance Education Demonstration Program, the requirements of section 1087(i)(5) of this title as the section relates to computer costs, sections 1088(a) and 1088(b) of this title as such sections relate to requirements for a minimum number of weeks of instruction, sections 1002(a)(3)(A), 1002(a)(3)(B), and 1091(l)(1) of this title, or one or more of the regulations prescribed under this part or part E of this subchapter which inhibit the operation of quality distance education programs.

(3) Eligible applicants

(A) Eligible institutions

Except as provided in subparagraphs (B), (C), and (D), only an institution of higher education that is eligible to participate in programs under this subchapter and part C of subchapter I of chapter 34 of title 42 shall be eligible to participate in the demonstration program authorized under this section.

(B) Prohibition

An institution of higher education described in section 1002(a)(1)(C) of this title shall not be eligible to participate in the demonstration program authorized under this section.

(C) Special rule

Subject to subparagraph (B), an institution of higher education that meets the requirements of subsection (a) of section 1002 of this title, other than the requirement of paragraph (3)(A) or (3)(B) of such subsection, and that provides a 2-year or 4-year program of instruction for which the institution awards an associate or baccalaureate degree, shall be eligible to participate in the demonstration program authorized under this section.

(D) Requirement

Notwithstanding any other provision of this paragraph, Western Governors University shall be considered eligible to participate in the demonstration program authorized under this section. In addition to the waivers described in paragraph (2), the Secretary may waive the provisions of subchapter I of this chapter and this part and part G of this subchapter for such university that the Secretary determines to be appropriate because of the unique characteristics of such university. In carrying out the preceding sentence, the Secretary shall ensure that adequate program integrity and accountability measures apply to such university’s participation in the demonstration program authorized under this section.

(e) Application

(1) In general

Each institution, system, or consortium of institutions desiring to participate in a demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(2) Contents

Each application shall include—

(A) a description of the institution, system, or consortium’s consultation with a recognized accrediting agency or association with respect to quality assurances for the distance education programs to be offered;

(B) a description of the statutory and regulatory requirements described in subsection (b)(2) of this section or, if applicable, subsection (b)(3)(D) of this section for which a waiver is sought and the reasons for which the waiver is sought;

(C) a description of the distance education programs to be offered;

(D) a description of the students to whom distance education programs will be offered;

(E) an assurance that the institution, system, or consortium will offer full cooperation with the ongoing evaluations of the demonstration program provided for in this section; and

(F) such other information as the Secretary may require.

(d) Selection

(1) In general

For the first year of the demonstration program authorized under this section, the Secretary is authorized to select for participation