§ 1092. Institutional and financial assistance in—

(a) Information dissemination activities


Section 1092(b), Pub. L. 90–35, § 2(c), June 29, 1967, 81 Stat. 84, required to make grants or contracts with State or local educational agencies for attracting qualified persons to the field of education.

Section 1092(c), Pub. L. 90–35, § 2(c), June 29, 1967, 81 Stat. 84, required the Commissioner to consult with the National Science Foundation and the National Foundation on the Arts and the Humanities in development and review of programs.

Section 1092(d), Pub. L. 90–35, § 2(c), June 29, 1967, 81 Stat. 84, authorized transfer of funds for programs for education professions development.

Section 1092(e), Pub. L. 90–35, § 2(c), June 29, 1967, 81 Stat. 84, authorized employment of experts and consultants and set forth provisions for compensation and travel expenses.

§ 1092. Institutional and financial assistance information for students

(a) Information dissemination activities

(1) Each eligible institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 shall carry out information dissemination activities for prospective and enrolled students (including those attending or planning to attend less than full time) regarding the institution and all financial assistance under this subchapter and part C of subchapter I of chapter 34 of title 42. The information required by this section shall be produced and be made readily available upon request, through appropriate publications, mailings, and electronic media, to an enrolled student and to any prospective student. Each eligible institution shall, on an annual basis, required to obtain such information.

(b) The methods by which such assistance is distributed among student recipients who enroll at such institution;

(c) Any means, including forms, by which application for student financial assistance is made and requirements for accurately preparing such application;

(d) The rights and responsibilities of students receiving financial assistance under this subchapter and part C of subchapter I of chapter 34 of title 42;

(e) The cost of attending the institution, including (i) tuition and fees, (ii) books and supplies, (iii) estimates of typical student room and board costs or typical commuting costs, and (iv) any additional cost of the program in which the student is enrolled or expresses a specific interest;

(f) A statement of—

(i) the requirements of any refund policy with which the institution is required to comply;

(ii) the requirements under section 1091b of this title for the return of grant or loan assistance provided under this subchapter and part C of subchapter I of chapter 34 of title 42, and

(iii) the requirements for officially withdrawing from the institution;

(g) The academic program of the institution, including (i) the current degree programs and other educational and training programs, (ii) the instructional, laboratory, and other physical plant facilities which relate to the academic program, (iii) the faculty and other instructional personnel, and (iv) any plans by the institution for improving the academic program of the institution;

(h) Each person designated under subsection (c) of this section, and the methods by which and locations in which any person so designated may be contacted by students and prospective students who are seeking information required by this section;

(i) Special facilities and services available to students with disabilities;

(j) The names of associations, agencies, or governmental bodies which accredit, approve, or license the institution and its programs, and the procedures under which any current or prospective student may obtain or review upon request a copy of the documents describing the institution’s accreditation, approval, or licensing;

(k) The standards which the student must maintain in order to be considered to be making satisfactory progress, pursuant to section 1091(a)(2) of this title;

(l) The completion or graduation rate of certificate- or degree-seeking, full-time, undergraduate students entering such institutions;

(m) The terms and conditions of the loans that students receive under parts B, C, and D;

(n) That enrollment in a program of study abroad approved for credit by the home institution may be considered enrollment in the home institution for purposes of applying for Federal student financial assistance;

(o) The campus crime report prepared by the institution pursuant to subsection (f) of this section, including all required reporting categories;

(p) Institutional policies and sanctions related to copyright infringement, including—

(i) An annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

(ii) A summary of the penalties for violation of Federal copyright laws; and

(iii) A description of the institution’s policies with respect to unauthorized peer-to-peer file sharing, including disciplinary ac-
tions that are taken against students who engage in unauthorized distribution of copy-
righted materials using the institution’s infor-
mation technology system;

(Q) student body diversity at the institution, in-
cluding information on the percentage of en-
rolled, full-time students who—
(i) are male;
(ii) are female;
(iii) receive a Federal Pell Grant; and
(iv) are a self-identified member of a major
racial or ethnic group;

(R) the placement in employment of, and
types of employment obtained by, graduates of
the institution’s degree or certificate pro-
grams, gathered from such sources as alumni
surveys, student satisfaction surveys, the Na-
tional Survey of Student Engagement, the
Community College Survey of Student En-
gagement, State data systems, or other re-
\n
semble systems, or other relevant sources;

(S) the types of graduate and professional
education in which graduates of the institu-
tion’s four-year degree programs enrolled,
gathered from such sources as alumni surveys,
student satisfaction surveys, the National Sur-
voy of Student Engagement, Stat data sys-
tems, or other relevant sources;

(T) the fire safety report prepared by the in-
stitution pursuant to subsection (i);

(U) the retention rate of certificate- or de-
gree-seeking, first-time, full-time, under-
graduate students entering such institution; and

(V) institutional policies regarding vaccina-
tions.

(2) For the purpose of this section, the term
“prospective student” means any individual who
has contacted an eligible institution requesting
information concerning admission to that institu-
tion.

(3) In calculating the completion or gradua-
tion rate under subparagraph (L) of paragraph
(1) of this subsection or under subsection (e) of
this section, a student shall be counted as a
completion or graduation if, within 150 percent
of the normal time for completion of or gradu-
aton from the program, the student has com-
pleted or graduated from the program, or en-
rolled in any program of an eligible institution
for which the prior program provides substantial
preparation. The information required to be dis-
closed under such subparagraph—
(A) shall be made available by July 1 each
year to enrolled students and prospective stu-
dents prior to the students enrolling or enter-
ing into any financial obligation; and

(B) shall cover the one-year period ending on
August 31 of the preceding year.

(4) For purposes of this section, institutions
may—

(A) exclude from the information disclosed
in accordance with subparagraph (L) of para-
graph (1) the completion or graduation rates of
students who leave school to serve in the
Armed Forces, on official church missions, or
with a recognized foreign aid service of the
Federal Government; or

(B) in cases where the students described in
subparagraph (A) represent 20 percent or more
of the certificate- or degree-seeking, full-time,
undergraduate students at the institution, re-
calculate the completion or graduation rates
of such students by excluding from the cal-
culation described in paragraph (3) the time
period during which such students were not
enrolled due to their service in the Armed
Forces, on official church missions, or with a
recognized foreign aid service of the Federal
Government.

(5) The Secretary shall permit any institu-
tion of higher education that is a member of an ath-
etic association or athletic conference that has
voluntarily published completion or graduation
rate data or has agreed to publish data that, in
the opinion of the Secretary, is substantially
comparable to the information required under
this subsection, to use such data to satisfy the
requirements of this subsection.

(6) Each institution may provide supplemental
information to enrolled and prospective stu-
dents showing the completion or graduation
rate for students described in paragraph (4) or
for students transferring into the institution or
information showing the rate at which students
transfer out of the institution.

(TA) Subject to clause (ii), the information
disseminated under paragraph (1)(L), or reported
under subsection (e), shall be disaggregated by
gender, by each major racial and ethnic sub-
group, by recipients of a Federal Pell Grant, by
recipients of a loan made under part B or C
(other than a loan made under section 1078–8 of
this title or a Federal Direct Unsubsidized Staff-
ford Loan) who did not receive a Federal Pell
Grant, and by recipients of neither a Federal
Pell Grant nor a loan made under part B or C
(other than a loan made under section 1078–8 of
this title or a Federal Direct Unsubsidized Staff-
ford Loan) if the number of students in such
subgroup or with such status is sufficient to
yield statistically reliable information and re-
porting will not reveal personally identifiable
information about an individual student. If such
number is not sufficient for such purposes, then
the institution shall note that the institution
enrolled too few of such students to so disclose
or report with confidence and confidentiality.

(ii) The requirements of clause (i) shall not
apply to two-year, degree-granting institu-
tions of higher education until academic year 2011-
2012.

(B) In order to assist two-year degree-grant-
ing institutions of higher education in meeting
the requirements of paragraph (1)(L) and sub-
section (e), the Secretary, in consultation with
the Commissioner for Education Statistics,
shall, not later than 90 days after August 14,
2008, convene a group of representatives from di-
verse institutions of higher education, experts
in the field of higher education policy, state1
higher education officials, students, and other
stakeholders in the higher education commu-
nity, to develop recommendations regarding the
accurate calculation and reporting of the infor-
mation required to be disseminated or reported
under paragraph (1)(L) and subsection (e) by
two-year, degree-granting institutions of higher

1So in original. Probably should be capitalized.
education. In developing such recommendations, the group of representatives shall consider the mission and role of two-year degree-granting institutions of higher education, and may recommend additional or alternative measures of student success for such institutions in light of the mission and role of such institutions.

(ii) The Secretary shall widely disseminate the recommendations required under this subparagraph to two-year, degree-granting institutions of higher education, the public, and the authorizing committees not later than 18 months after the first meeting of the group of representatives convened under clause (i).

(iii) The Secretary shall use the recommendations from the group of representatives convened under clause (i) to provide technical assistance to two-year, degree-granting institutions of higher education in meeting the requirements of paragraph (1)(L) and subsection (e).

(iv) The Secretary may modify the information required to be disseminated or reported under paragraph (1)(L) or subsection (e) by a two-year, degree-granting institution of higher education—

(I) based on the recommendations received under this subparagraph from the group of representatives convened under clause (i);

(II) to include additional or alternative measures of student success if the goals of the provisions of paragraph (1)(L) and subsection (e) can be met through additional means or comparable alternatives; and

(III) during the period beginning on August 14, 2008, and ending on June 30, 2011.

(b) Exit counseling for borrowers

(1)(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 1078–3 of this title or loans under section 1078–2 of this title made on behalf of a student) or made under part C (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made on behalf of a student) or made under part D of this subchapter prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

(i) information on the repayment plans available, including a description of the different features of each plan and sample information showing the average anticipated monthly payments, and the difference in interest paid and total payments, under each plan;

(ii) debt management strategies that are designed to facilitate the repayment of such indebtedness;

(iii) an explanation that the borrower has the options to prepay each loan, pay each loan on a shorter schedule, and change repayment plans;

(iv) for any loan forgiveness or cancellation provision of this subchapter and part C of subchapter I of chapter 34 of title 42, a general description of the terms and conditions under which the borrower may obtain full or partial forgiveness or cancellation of the principal and interest, and a copy of the information provided by the Secretary under section 1092(d) of this title;

(v) for any forbearance provision of this subchapter and part C of subchapter I of chapter 34 of title 42, a general description of the terms and conditions under which the borrower may defer repayment of principal or interest or be granted forbearance, and a copy of the information provided by the Secretary under section 1092(d) of this title;

(vi) the consequences of defaulting on a loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation;

(vii) information on the effects of using a consolidation loan under section 1078–3 of this title or a Federal Direct Consolidation Loan to discharge the borrower’s loans under parts B, C, and D, including at a minimum—

(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

(II) the effects of consolidation on a borrower’s underlying loan benefits, including grace periods, loan forgiveness, cancellation, and deferment opportunities;

(III) the option of the borrower to prepay the loan or to change repayment plans; and

(IV) that borrower benefit programs may vary among different lenders;

(viii) a general description of the types of tax benefits that may be available to borrowers; and

(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower’s loans; and

(B) In the case of borrower who leaves an institution without the prior knowledge of the institution, the institution shall attempt to provide the information described in subparagraph (A) to the student in writing.

(2)(A) Each eligible institution shall require that the borrower of a loan made under part B, C, or D of this subchapter submit to the institution, during the exit interview required by this subsection—

(i) the borrower’s expected permanent address after leaving the institution (regardless of the reason for leaving);

(ii) the name and address of the borrower’s expected employer after leaving the institution;

(iii) the address of the borrower’s next of kin; and

(iv) any corrections in the institution’s records relating the borrower’s name, address, social security number, references, and driver’s license number.

(B) The institution shall, within 60 days after the interview, forward any corrected or completed information received from the borrower to the guaranty agency indicated on the borrower’s student aid records.

(C) Nothing in this subsection shall be construed to prohibit an institution of higher edu-
cation from utilizing electronic means to provide personalized exit counseling.

(c) Financial assistance information personnel

Each eligible institution shall designate an employee or group of employees who shall be available on a full-time basis to assist students or potential students in obtaining information as specified in subsection (a) of this section. The Secretary may, by regulation, waive the requirement that an employee or employees be available on a full-time basis for carrying out responsibilities required under this section whenever an institution in which the total enrollment, or the portion of the enrollment participating in programs under this subchapter and part C of subchapter I of chapter 34 of title 42 at that institution, is too small to necessitate such employee or employees being available on a full-time basis. No such waiver may include permission to exempt any such institution from designating a specific individual or a group of individuals to carry out the provisions of this section.

(d) Departmental publication of descriptions of assistance programs

(1) The Secretary shall make available to eligible institutions, eligible lenders, and secondary schools descriptions of Federal student assistance programs including the rights and responsibilities of student and institutional participants, in order to (A) assist students in gaining information through institutional sources, and (B) assist institutions in carrying out the provisions of this section, so that individual and institutional participants will be fully aware of their rights and responsibilities under such programs. In particular, such information shall include information to enable students and prospective students to assess the debt burden and monthly and total repayment obligations that will be incurred as a result of receiving loans of varying amounts under this subchapter and part C of subchapter I of chapter 34 of title 42. Such information shall also include information on the various payment options available for student loans, including income-sensitive and income-contingent and income-based repayment plans for loans made, insured, or guaranteed under part B and income-based repayment plans for loans made under part C. In addition, such information shall include information to enable borrowers to assess the practical consequences of loan consolidation, including differences in deferment eligibility, interest rates, monthly payments, and finance charges, and samples of loan consolidation profiles to illustrate such consequences. The Secretary shall provide information concerning the specific terms and conditions under which students may obtain partial or total cancellation or deferment of loans for service, shall indicate (in terms of the Federal minimum wage) the maximum level of compensation and allowances that a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization. The Secretary shall also provide information on loan forbearance, including the increase in debt that results from capitalization of interest. Such information shall be provided by eligible institutions and eligible lenders at any time that information regarding loan availability is provided to any student.

(2) The Secretary, to the extent the information is available, shall compile information describing State and other prepaid tuition programs and savings programs and disseminate such information to States, eligible institutions, students, and parents in departmental publications.

(3) The Secretary, to the extent practicable, shall update the Department’s Internet site to include direct links to databases that contain information on public and private financial assistance programs. The Secretary shall only provide direct links to databases that can be accessed without charge and shall make reasonable efforts to verify that the databases included in a direct link are not providing fraudulent information. The Secretary shall prominently display adjacent to any such direct link a disclaimer indicating that a direct link to a database does not constitute an endorsement or recommendation of the database, the provider of the database, or any services or products of such provider. The Secretary shall provide additional direct links to information resources from which students may obtain information about fraudulent and deceptive practices in the provision of services related to student financial aid.

(4) The Secretary shall widely publicize the location of the information described in paragraph (1) among the public, eligible institutions, and eligible lenders, and promote the use of such information by prospective students, enrolled students, families of prospective and enrolled students, and borrowers.

(e) Disclosures required with respect to athletically related student aid

(1) Each institution of higher education which participates in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 and is attended by students receiving athletically related student aid shall annually submit a report to the Secretary which contains—

(A) the number of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track, and all other sports combined;

(B) the number of students at the institution of higher education, broken down by race and sex;

(C) the completion or graduation rate for students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track and all other sports combined;

(D) the completion or graduation rate for students at the institution of higher education, broken down by race and sex;

(E) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education who received athletically re-
lateral student aid broken down by race and sex in the following categories: basketball, football, baseball, cross country/track, and all other sports combined; and

(F) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education broken down by race and sex.

(2) When an institution described in paragraph (1) of this subsection offers a potential student athlete athletically related student aid, such institution shall provide to the student and the student’s parents, guidance counselor, and coach the information contained in the report submitted by such institution pursuant to paragraph (1). If the institution is a member of a national collegiate athletic association that compiles graduation rate data on behalf of the association or athletic conference that compiles graduation rate data on behalf of the association or athletic conference that is a member of an athletic association or athletic conference that has volunteered to participate in a program of intercollegiate athletics at an institution of higher education in order to be eligible to receive such assistance.

(3) For purposes of this subsection, the term “athletically related student aid” means any scholarship, grant, or other form of financial assistance the terms of which require the recipient to participate in a program of intercollegiate athletics at an institution of higher education in order to be eligible to receive such assistance.

(4) Each institution of higher education described in paragraph (1) may provide supplemental information to students and the Secretary showing the completion or graduation rates from two-year colleges that award certificates or degree-seeking, full-time, undergraduate students at the institution, calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the distribution of the compilation of such data to all secondary schools in the United States shall fulfill the responsibility of the institution to provide information to a prospective student athlete's guidance counselor and coach.

(5) For purposes of this subsection, institutions may—

(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period during which such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.

(6) Each institution of higher education described in paragraph (1) may provide supplementary information to students and the Secretary showing the completion or graduation rate when such completion or graduation rate includes students transferring into and out of such institution.

(7) The Secretary, in conjunction with the National Junior College Athletic Association, shall develop and obtain data on completion or graduation rates from two-year colleges that award athletically related student aid. Such data shall, to the extent practicable, be consistent with the reporting requirements set forth in this section.

(8) For purposes of this subsection, the term “amounts comparable to the information contained in the report submitted by such institution pursuant to paragraph (1)” means the information contained in the report submitted by such institution pursuant to paragraph (1).

(f) Disclosure of campus security policy and campus crime statistics

(1) Each eligible institution participating in any program under this subchapter and part F of subchapter I of chapter 34 of title 42, other than a foreign institution of higher education, shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:

(A) A statement of current campus policies and procedures regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution’s response to such reports.

(B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(C) A statement of current policies concerning campus law enforcement, including—

(i) the law enforcement authority of campus security personnel;

(ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses; and

(iii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies, when the victim of such crime elects or is unable to make such a report.

(D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures.
and practices and to encourage students and employees to be responsible for their own security and the security of others.

(E) A description of programs designed to inform students and employees about the prevention of crimes.

(F) Statistics concerning the occurrence on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available—

(i) of the following criminal offenses reported to campus security authorities or local police agencies:

(I) murder;
(II) sex offenses, forcible or nonforcible;
(III) robbery;
(IV) aggravated assault;
(V) burglary;
(VI) motor vehicle theft;
(VII) manslaughter;
(VIII) arson;

(ii) of the crimes described in subclauses (I) through (VIII) of clause (i), of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice; and

(iii) of domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies.

(G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.

(H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 1011 of this title.

(I) A statement advising the campus community where law enforcement agency information provided by a State under section 14071(j) of title 42, concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to—

(i) immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency;

(ii) publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

(iii) test emergency response and evacuation procedures on an annual basis.

(2) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.

(3) Each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42, other than a foreign institution of higher education, shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

(4)(A) Each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42, other than a foreign institution of higher education, that maintains a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department, including—

(i) the nature, date, time, and general location of each crime; and

(ii) the disposition of the complaint, if known.

(B)(i) All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within 2 business days of the initial report being made to the department or a campus security authority.

(ii) If new information about an entry into a log becomes available to a police or security department, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.

(iii) If there is clear and convincing evidence that the release of such information would jeop-
ardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information. Such information may be withheld from the Secretary a copy of the statistics required to be made available under paragraph (1)(F). The Secretary shall—

(A) review such statistics and report to the authorizing committees on campus crime statistics by September 1, 2000;

(B) make copies of the statistics submitted to the Secretary available to the public; and

(C) in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the re-
duction of campus crime.

(6)(A) In this subsection:

(i) The terms “dating violence”, “domestic violence”, and “stalking” have the meaning given such terms in section 13925(a) of title 42.

(ii) The term “campus” means—

(I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

(II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

(iii) The term “noncampus building or property” means—

(I) any building or property owned or controlled by a student organization recognized by the institution; and

(II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reason-
ably contiguous geographic area of the institu-

(iv) The term “public property” means all public property that is within the same reason-
ably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adja-
cent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes.

(v) The term “sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting sys-
tem of the Federal Bureau of Investigation.

(B) In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.

(7) The statistics described in clauses (i) and (ii) of paragraph (1)(F) shall be compiled in ac-
cordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as imple-
mented pursuant to the Hate Crime Statistics Act. For the offenses of domestic violence, dat-
ing violence, and stalking, such statistics shall be compiled in accordance with the definitions used in section 13925(a) of title 42. Such statistics shall not identify victims of crimes or persons accused of crimes.

(8)(A) Each institution of higher education participating in any program under this sub-
chapter and part C of subchapter I of chapter 34 of title 42 and title IV of the Economic Opportu-
nity Act of 1964, other than a foreign institution of higher education, shall develop and dis-
burse as part of the report described in para-
graph (1) a statement of policy regarding—

(i) such institution’s programs to prevent domestic violence, dating violence, sexual as-
sault, and stalking; and

(ii) the procedures that such institution will follow once an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding aris-
ing from such a report.

(B) The policy described in subparagraph (A) shall address the following areas:

(i) Education programs to promote the awareness of rape, acquaintance rape, domes-
tic violence, dating violence, sexual assault, and stalking, which shall include—

(I) primary prevention and awareness pro-
grams for all incoming students and new em-
ployees, which shall include—

(aa) a statement that the institution of higher education prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;

(bb) the definition of domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction;

(cc) the definition of consent, in refer-
ence to sexual activity, in the applicable jurisdic-
tion;

(dd) safe and positive options for by-
stander intervention that may be carried out by an individual to prevent harm or in-
tervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;

(ee) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and

(ff) the information described in clauses

(ii) through (vii); and

(gg) information on

(hh) the information described in clauses
(II) ongoing prevention and awareness campaigns for students and faculty, including information described in items (aa) through (ff) of subclause (I).

(ii) Possible sanctions or protective measures that such institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.

(iii) Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about—

(I) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;

(II) to whom the alleged offense should be reported;

(III) options regarding law enforcement and campus authorities, including notification of the victim’s options to—

(aa) notify proper law enforcement authorities, including on-campus and local police;

(bb) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and

(cc) decline to notify such authorities; and

(IV) where applicable, the rights of victims and the institution’s responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

(iv) Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which shall include a clear statement that—

(I) such proceedings shall—

(aa) provide a prompt, fair, and impartial investigation and resolution; and

(bb) be conducted by officials who receive annual training related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

(II) the accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and

(III) both the accuser and the accused shall be simultaneously informed, in writing, of—

(aa) the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;

(bb) the institution’s procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding;

(cc) any change to the results that occurs prior to the time that such results become final; and

(dd) when such results become final.

(v) Information about how the institution will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

(vi) Written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

(vii) Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

(C) A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee’s rights and options, as described in clauses (ii) through (vii) of subparagraph (B).

(9) The Secretary, in consultation with the Attorney General of the United States, shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.

(10) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.

(11) The Secretary shall report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.

(12) For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur—

(A) on campus;

(B) in or on a noncampus building or property;

(C) on public property; and

(D) in dormitories or other residential facilities for students on campus.

(13) Upon a determination pursuant to section 1094(c)(3)(B) of this title that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount as determined pursuant to section 1094(c)(3)(D) of this title.

(14)(A) Nothing in this subsection may be construed to—

(i) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

(ii) establish any standard of care.

(B) Notwithstanding any other provision of law, evidence regarding compliance or non-
compliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(15) The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary’s monitoring of such compliance.

(16)(A) The Secretary shall seek the advice and counsel of the Attorney General of the United States concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.

(B) The Secretary shall seek the advice and counsel of the Attorney General of the United States and the Secretary of Health and Human Services concerning the development, and dissemination to institutions of higher education, and best practices information about preventing and responding to incidents of domestic violence, dating violence, sexual assault, and stalking, including elements of institutional policies that have proven successful based on evidence-based outcome measurements.

(17) No officer, employee, or agent of an institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this subsection.

This subsection may be cited as the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act”.

(g) Data required

(1) In general

Each coeducational institution of higher education that participates in any program under this subchapter and part C of subchapter I of chapter 34 of title 42, and has an intercollegiate athletic program, shall annually, for the immediately preceding academic year, prepare a report that contains the following information regarding intercollegiate athletics:

(A) The number of male and female full-time undergraduates that attended the institution.

(B) A listing of the varsity teams that competed in intercollegiate athletic competition and for each such team the following data:

(i) The total number of participants, by team, as of the day of the first scheduled contest for the team.

(ii) Total operating expenses attributable to such teams, except that an institution may also report such expenses by individual sport.

(iii) Whether the head coach is male or female and whether the head coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as head coaches shall be considered to be head coaches for the purposes of this clause.

(iv) The number of assistant coaches who are male and the number of assistant coaches who are female for each team and whether a particular coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as assistant coaches shall be considered to be assistant coaches for the purposes of this clause.

(C) The total amount of money spent on athletically related student aid, including the value of waivers of educational expenses, separately for men’s and women’s teams overall.

(D) The ratio of athletically related student aid awarded male athletes to athletically related student aid awarded female athletes.

(E) The total amount of expenditures on recruiting, separately for men’s and women’s teams overall.

(F) The total annual revenues generated across all men’s teams and across all women’s teams, except that an institution may also report such revenues by individual sport.

(G) The average annual institutional salary of the head coaches of men’s teams, across all offered sports, and the average annual institutional salary of the head coaches of women’s teams, across all offered sports.

(H) The average annual institutional salary of the assistant coaches of men’s teams, across all offered sports, and the average annual institutional salary of the assistant coaches of women’s teams, across all offered sports.

(I)(i) The total revenues, and the revenues from football, men’s basketball, women’s basketball, all other men’s sports combined and all other women’s sports combined, derived by the institution from the institution’s intercollegiate athletics activities.

(ii) For the purpose of clause (i), revenues from intercollegiate athletics activities allocable to a sport shall include (without limitation) gate receipts, broadcast revenues, appearance guarantees and options, concessions, and advertising, but revenues such as student activities fees or alumni contributions not so allocable shall be included in the calculation of total revenues only.

(J)(i) The total expenses, and the expenses attributable to football, men’s basketball, women’s basketball, all other men’s sports combined, and all other women’s sports combined, made by the institution for the institution’s intercollegiate athletics activities.

(ii) For the purpose of clause (i), expenses for intercollegiate athletics activities allocable to a sport shall include (without limitation) grants-in-aid, salaries, travel, equipment, and supplies, but expenses such as general and administrative overhead not so allocable shall be included in the calculation of total expenses only.

(D) The ratio of athletically related student aid awarded male athletes to athletically related student aid awarded female athletes.

(E) The total amount of expenditures on recruiting, separately for men’s and women’s teams overall.

(F) The total annual revenues generated across all men’s teams and across all women’s teams, except that an institution may also report such revenues by individual sport.

(G) The average annual institutional salary of the head coaches of men’s teams, across all offered sports, and the average annual institutional salary of the head coaches of women’s teams, across all offered sports.

(H) The average annual institutional salary of the assistant coaches of men’s teams, across all offered sports, and the average annual institutional salary of the assistant coaches of women’s teams, across all offered sports.

(I)(i) The total revenues, and the revenues from football, men’s basketball, women’s basketball, all other men’s sports combined and all other women’s sports combined, derived by the institution from the institution’s intercollegiate athletics activities.

(ii) For the purpose of clause (i), revenues from intercollegiate athletics activities allocable to a sport shall include (without limitation) gate receipts, broadcast revenues, appearance guarantees and options, concessions, and advertising, but revenues such as student activities fees or alumni contributions not so allocable shall be included in the calculation of total revenues only.

(J)(i) The total expenses, and the expenses attributable to football, men’s basketball, women’s basketball, all other men’s sports combined, and all other women’s sports combined, made by the institution for the institution’s intercollegiate athletics activities.

(ii) For the purpose of clause (i), expenses for intercollegiate athletics activities allocable to a sport shall include (without limitation) grants-in-aid, salaries, travel, equipment, and supplies, but expenses such as general and administrative overhead not so allocable shall be included in the calculation of total expenses only.
(2) Special rule

For the purposes of paragraph (1)(G), if a coach has responsibilities for more than one team and the institution does not allocate such coach’s salary by team, the institution shall divide the salary by the number of teams for which the coach has responsibility and allocate the salary among the teams on a basis consistent with the coach’s responsibilities for the different teams.

(3) Disclosure of information to students and public

An institution of higher education described in paragraph (1) shall make available to students and potential students, upon request, and to the public, the information contained in the report described in paragraph (1), except that all students shall be informed of their right to request such information.

(4) Submission; report; information availability

(A) On an annual basis, each institution of higher education described in paragraph (1) shall provide to the Secretary, within 15 days of the date that the institution makes available the report under paragraph (1), the information contained in the report.

(B) The Secretary shall ensure that the reports described in subparagraph (A) are made available to the public within a reasonable period of time.

(C) Not later than 180 days after October 7, 1998, the Secretary shall notify all secondary schools in all States regarding the availability of the information made available under paragraph (1), and how such information may be accessed.

(5) “Operating expenses” defined

For the purposes of this subsection, the term “operating expenses” means expenditures on lodging and meals, transportation, officials, uniforms and equipment.

(h) Transfer of credit policies

(1) Disclosure

Each institution of higher education participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 shall publicly disclose, in a readable and comprehensive manner, the transfer of credit policies established by the institution which shall include a statement of the institution’s current transfer of credit policies that includes, at a minimum—

(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

(B) a list of institutions of higher education with which the institution has established an articulation agreement.

(2) Rule of construction

Nothing in this subsection shall be construed to—

(A) authorize the Secretary or the National Advisory Committee on Institutional Quality and Integrity to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

(C) limit the application of the General Education Provisions Act [20 U.S.C. 1221 et seq.]; or

(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

(i) Disclosure of fire safety standards and measures

(1) Annual fire safety reports on student housing required

Each eligible institution reports on student housing participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available:

(i) the number of fires and the cause of each fire;

(ii) the number of injuries related to a fire that result in treatment at a medical facility;

(iii) the number of deaths related to a fire; and

(iv) the value of property damage caused by a fire;

(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

(C) the number of regular mandatory supervised fire drills;

(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

(E) plans for future improvements in fire safety, if determined necessary by such institution.

(2) Report to the Secretary

Each institution described in paragraph (1) shall, on an annual basis, submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(A).

(3) Current information to campus community

Each institution described in paragraph (1) shall—

(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

(B) make annual reports to the campus community on such fires.
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(4) Responsibilities of the Secretary

The Secretary shall—
(A) make the statistics submitted under paragraph (1)(A) to the Secretary available to the public; and
(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—
   (i) identify exemplary fire safety policies, procedures, programs, and practices, including the installation, to the technical standards of the National Fire Protection Association, of fire detection, prevention, and protection technologies in student housing, dormitories, and other buildings;
   (ii) disseminate the exemplary policies, procedures, programs, and practices described in clause (i) to the Administrator of the United States Fire Administration;
   (iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and
   (iv) develop a protocol for institutions to review the status of their fire safety systems.

(5) Rules of construction

Nothing in this subsection shall be construed to—
(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;
(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or
(D) establish any standard of care.

(6) Compliance report

The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary’s monitoring of such compliance.

(7) Evidence

Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(j) Missing person procedures

(1) Option and procedures

Each institution of higher education that provides on-campus housing and participates in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 shall—
(A) establish a missing student notification policy for students who reside in on-campus housing that—
   (i) informs each such student that such student has the option to identify an individual to be contacted by the institution not later than 24 hours after the time that the student is determined missing in accordance with official notification procedures established by the institution under subparagraph (B);
   (ii) provides each such student a means to register confidential contact information in the event that the student is determined to be missing for a period of more than 24 hours;
   (iii) advises each such student who is under 18 years of age, and not an emancipated individual, that the institution is required to notify a custodial parent or guardian not later 24 hours after the time that the student is determined to be missing in accordance with such procedures;
   (iv) informs each such residing student that the institution will notify the appropriate law enforcement agency not later than 24 hours after the time that the student is determined missing in accordance with such procedures; and
   (v) requires, if the campus security or law enforcement personnel has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus, the institution to initiate the emergency contact procedures in accordance with the student’s designation; and
(B) establish official notification procedures for a missing student who resides in on-campus housing that—
   (i) includes procedures for official notification of appropriate individuals at the institution that such student has been missing for more than 24 hours;
   (ii) requires any official missing person report relating to such student be referred immediately to the institution’s police or campus security department; and
   (iii) if, on investigation of the official report, such department determines that the missing student has been missing for more than 24 hours, requires—
      (I) such department to contact the individual identified by such student under subparagraph (A)(i);
      (II) if such student is under 18 years of age, and not an emancipated individual, the institution to immediately contact the custodial parent or legal guardian of such student; and
      (III) if subclauses (I) or (II) do not apply to a student determined to be a
missing person, inform the appropriate law enforcement agency.

(2) Rule of construction
Nothing in this subsection shall be construed—
(A) to provide a private right of action to any person to enforce any provision of this subsection; or
(B) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability.

(k) Notice to students concerning penalties for drug violations

(1) Notice upon enrollment
Each institution of higher education shall provide to each student, upon enrollment, a separate, clear, and conspicuous written notice that advises the student of the penalties under section 1091(r) of this title.

(2) Notice after loss of eligibility
An institution of higher education shall provide in a timely manner to each student who has lost eligibility for any grant, loan, or work-study assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 as a result of the penalties listed under section 1091(r)(1) of this title a separate, clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which the student can regain eligibility under section 1091(r)(2) of this title.

(l) Entrance counseling for borrowers

(1) Disclosure required prior to disbursement
(A) In general
Each eligible institution shall, at or prior to the time of a disbursement to a first-time borrower of a loan made, insured, or guaranteed under part B (other than a loan made pursuant to section 1078–3 of this title or a loan made on behalf of a student pursuant to section 1078–2 of this title) or made under part C (other than a Federal Direct Consolidation Loan or a Federal Direct PLUS loan made on behalf of a student), ensure that the borrower receives comprehensive information on the terms and conditions of the loan and of the responsibilities the borrower has with respect to such loan in accordance with paragraph (2). Such information—
(i) shall be provided in a simple and understandable manner; and
(ii) may be provided—
(I) during an entrance counseling session conduction in person;
(II) on a separate written form provided to the borrower that the borrower signs and returns to the institution; or
(III) online, with the borrower acknowledging receipt of the information.

(B) Use of interactive programs
The Secretary shall encourage institutions to carry out the requirements of subparagraph (A) through the use of interactive programs that test the borrower’s understanding of the terms and conditions of the borrower’s loans under part B or C, using simple and understandable language and clear formatting.

(2) Information to be provided
The information to be provided to the borrower under paragraph (1)(A) shall include the following:
(A) To the extent practicable, the effect of accepting the loan to be disbursed on the eligibility of the borrower for other forms of student financial assistance.
(B) An explanation of the use of the master promissory note.
(C) Information on how interest accrues and is capitalized during periods when the interest is not paid by either the borrower or the Secretary.
(D) In the case of a loan made under section 1078–2 or 1078–8 of this title, a Federal Direct PLUS Loan, or a Federal Direct Unsubsidized Stafford Loan, the option of the borrower to pay the interest while the borrower is in school.
(E) The definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment.
(F) An explanation of the importance of contacting the appropriate offices at the institution of higher education if the borrower withdraws prior to completing the borrower’s program of study so that the institution can provide exit counseling, including information regarding the borrower’s repayment options and loan consolidation.
(G) Sample monthly repayment amounts based on—
(i) a range of levels of indebtedness of—
(I) borrowers of loans under section 1078 or 1078–8 of this title; and
(II) as appropriate, graduate borrowers of loans under section 1078, 1078–2, or 1078–8 of this title; or
(ii) the average cumulative indebtedness of other borrowers in the same program as the borrower at the same institution.

(H) The obligation of the borrower to repay the full amount of the loan, regardless of whether the borrower completes or does not complete the program in which the borrower is enrolled within the regular time for program completion.
(I) The likely consequences of default on the loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation.
(J) Information on the National Student Loan Data System and how the borrower can access the borrower’s records.
(K) The name of and contact information for the individual the borrower may contact if the borrower has any questions about the borrower’s rights and responsibilities or the terms and conditions of the loan.

(m) Disclosures of reimbursements for service on advisory boards

(1) Disclosure
Each institution of higher education participating in any program under this subchapter
and part C of subchapter I of chapter 34 of title 42 shall report, on an annual basis, to the Secretary, any reasonable expenses paid or provided under section 1650(d) of title 15 to any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other financial aid of the institution. Such reports shall include—

(A) the amount for each specific instance of reasonable expenses paid or provided;

(B) the name of the financial aid official, other employee, or agent to whom the expenses were paid or provided;

(C) the dates of the activity for which the expenses were paid or provided; and

(D) a brief description of the activity for which the expenses were paid or provided.

(2) Report to Congress

The Secretary shall summarize the information received from institutions of higher education under paragraph (1) in a report and transmit such report annually to the authorizing committees.


AMENDMENTS

2013—Subsec. (f)(1)(C)(iii). Pub. L. 113–4, § 304(a)(1)(A), substituted “when the victim of such crime elects or is unable to make such a report,” for period at end.


Subsec. (f)(16). Pub. L. 113–4, § 304(a)(7), added par. (16) and struck out former par. (17) which read as follows: “The Secretary may seek the advice and counsel of the Attorney General concerning the development and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.”

Subsec. (f)(17). Pub. L. 113–4, § 304(a)(8), added par. (17) and struck out former par. (17) which read as follows: “Nothing in this subsection shall be construed to permit an institution, or an officer, employee, or agent of an institution, participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of any provision of this subsection.”


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Subsec. (f)(1). Pub. L. 111–39, § 407(b)(5)(C), substituted "under this subchapter and part C of chapter 34 of title 42, other than a foreign institution of higher education," for "under this subchapter and part C of chapter 34 of title 42'.'.

Subsec. (g)(2). Pub. L. 111–39, § 407(b)(5)(D), substituted "paragraph (1)(G)" for "subparagraph (G)".


Subsec. (k)(2). Pub. L. 111–39, § 407(b)(5)(F), inserted "section before '1091(r)(1)'".


Subsec. (b)(1)(C). Pub. L. 110–315, § 488(a)(1)(E), substituted "clause (i), and" for "clause (i), and" and inserted a comma after "any person'.'.


Subsec. (b)(1)(E). Pub. L. 110–315, § 488(a)(1)(G), amended par. (3) generally. Prior to amendment, par. (3) read as follows:

**(i) the enforcement authority of security personnel, including their working relationship with State and local police agencies; and
**(ii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies.''

Subsec. (b)(1)(F). Pub. L. 110–315, § 488(a)(1)(H), substituted "clause (i), of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of" for "clause (i), and" and inserted a comma after "any person'.'.


Subsec. (b)(1)(H). Pub. L. 110–315, § 488(a)(1)(J), redesignated subpars. (C) and (D) as (B) and (C), respectively, struck out "and the report to Congress described in subparagraph (B)" after "the report to Congress described in subparagraph (A)'" and struck out former subpar. (B) which read as follows:

"The Secretary shall prepare a report regarding the information received under subparagraph (A) and submit such report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate".

Subsec. (b)(1)(I). Pub. L. 110–315, § 488(a)(1)(K), redesignated former subpar. (C) as (B) and redesignated former par. (15) as (16).


Subsec. (b)(1)(M). Pub. L. 110–315, § 488(a)(1)(O), redesignated subpars. (C) and (D) as (B) and (C), respectively, struck out "and the report to Congress described in subparagraph (B)" after "the report to Congress described in subparagraph (A)'" and struck out former subpar. (B) which read as follows:

"The Secretary shall prepare a report regarding the information received under subparagraph (A) and submit such report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'.'

Subsec. (b)(1)(N). Pub. L. 110–315, § 488(a)(1)(P), redesignated former subpar. (C) as (B) and redesignated former par. (15) as (17).

Subsec. (b)(1)(O). Pub. L. 110–315, § 488(a)(1)(Q), redesignated subpars. (C) and (D) as (B) and (C), respectively, struck out "and the report to Congress described in subparagraph (B)" after "the report to Congress described in subparagraph (A)'" and struck out former subpar. (B) which read as follows:

"The Secretary shall prepare a report regarding the information received under subparagraph (A) and submit such report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate".

Subsec. (h)(1). Pub. L. 110–315, § 488(g), added subsecs. (b) to (l).


1998—Subsec. (a)(1). Pub. L. 105–244, §486(a)(1)(B), in introductory provisions, inserted after second sentence "Each eligible institution shall, on an annual basis, provide to all enrolled students a list of the information that is required to be provided by institutions to students by this section and section 1223q of this title, together with a statement of the procedures required to obtain such information."

Pub. L. 105–244, §486(a)(1)(A), redesignated subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: "Statistics concerning the occurrence of the following crimes occurring on campus:"

"(i) murder;"
"(ii) sex offenses, forcible or nonforcible;"
"(iii) robbery;"
"(iv) aggravated assault;"
"(v) burglary; and"
"(vi) motor vehicle theft."

Subsec. (f)(1)(H). Pub. L. 105–244, §486(e)(1)(B), (C), redesignated subpar. (I) as (H) and struck out former subpar. (H) which read as follows: "Statistics concerning the number of arrests for the following crimes occurring on campus:"

"(i) liquor law violations;"
"(ii) drug abuse violations; and"
"(iii) weapons possessed."


Pub. L. 105–244, §102(b)(3), substituted "section 1011I" for "section 1145g".


Subsec. (f)(5)(A). Pub. L. 105–244, §486(e)(3), redesignated subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "For purposes of this subsection, the term 'campus' includes—"

"(i) any building or property owned or controlled by the institution of higher education within the same reasonably contiguous geographic area and used by the institution in direct support of, or related to its educational purposes; or"

"(ii) any building or property owned or controlled by student organizations recognized by the institution."


Pub. L. 105–244, §486(e)(4), substituted "paragraph (1)(F)'" for "paragraphs (1)(F) and (1)(H)" and inserted at end "Such statistics shall not identify victims of crimes or persons accused of crimes."

Subsec. (f)(7). (8). Pub. L. 105–244, §486(e)(6), redesignated pars. (6) and (7) as (7) and (8), respectively.

Subsec. (f)(9) to (15). Pub. L. 105–244, §486(e)(7), added pars. (9) to (15).


Subsec. (g)(4). (5). Pub. L. 105–244, §486(e)(2)(A), added par. (4), redesignated former par. (4) as (5), and struck out heading and text of former par. (5). Text read as follows: "The Secretary shall issue final regulations to implement the requirements of this subsection not later than 180 days following October 20, 1994. Each institution described in paragraph (1) shall make available its first report pursuant to this section not later than October 1, 1996."
Subsec. (e)(9). Pub. L. 105–18, § 60001(a)(2), substituted “August 31” for “August 30”.
1983—Subsec. (a)(1)(F)(i) to (iii). Pub. L. 103–208, § 2(h)(28), inserted before comma at end “for the period of enrollment for which a refund is required”.
Subsec. (a)(1)(F)(vi). Pub. L. 103–208, § 2(h)(32), redesignated cl. (vii) as (vi) and struck out former cl. (vi) which read as follows: “to awards under part C of subchapter I of chapter 34 of title 42.”
Pub. L. 103–208, § 2(h)(30), struck out “provided under this subchapter and part C of subchapter I of chapter 34 of title 42 after “student assistance”.
Subsec. (a)(1)(F)(v). Pub. L. 103–208, § 2(h)(31), inserted “under part D of this subchapter, the institution shall then submit to the institution, during the exit interview required by this subsection, the borrower’s expected permanent address after leaving the institution, regardless of the reason for leaving: the name and address of the borrower’s expected employer after leaving the institution; and the address of the borrower’s next of kin. In the case of a loan made under part B of this subchapter, the institution shall submit this information to the holder of the loan.”
Subsec. (f)(1). Pub. L. 102–26, § 10(b), inserted “August 1, 1991,” in introductory provisions, and in subpar. (F) substituted “calendar year” and “calendar years” for “school year” and “school years”, respectively.
Pub. L. 101–542, § 103(a), added subpar. (L) relating to completion or graduation rate.
Subsec. (a)(3), (4). Pub. L. 101–542, § 103(b), added pars. (3) and (4).
Subsec. (d). Pub. L. 101–610, § 203, inserted before last sentence “The Secretary shall provide information concerning the specific terms and conditions under which students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization”.
1987—Subsec. (b), (c), (d). Pub. L. 100–50, § 15(10), inserted “(other than loans made pursuant to section 1078–2 of this title)” after “part B of this subchapter”,
Subsec. (d). Pub. L. 100–50, § 15(11), inserted after second sentence “In addition, such information shall include information to enable borrowers to assess the practical consequences of loan consolidation, including differences in deferment eligibility, interest rates, monthly payments, and finance charges, and samples of loan consolidation profiles to illustrate such consequences.”

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Effective Date of 2013 Amendment

Effective Date of 2009 Amendment
2008), see section 3 of Pub. L. 111–39, set out as a note under section 1001 of this title.

**Effective Date of 2000 Amendment**


**Effective Date of 1998 Amendment**


**Effective Date of 1997 Amendment**

Pub. L. 105–18, title VI, §6001(b), June 12, 1997, 111 Stat. 214, provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) [amending this section] are effective upon enactment [June 12, 1997].

“(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) [amending this section] before July 1, 1998.”

**Effective Date of 1993 Amendment**


**Effective Date of 1992 Amendment**

Amendment by section 486(a), (b), and (c)(2) of Pub. L. 102–325 effective July 23, 1992, except that changes relating to disclosures effective with respect to periods of enrollment beginning on or after July 1, 1993, see section 498 of Pub. L. 102–325, set out as a note under section 1088 of this title.

Pub. L. 102–325, title IV, §486(c)(3), July 23, 1992, 106 Stat. 622, provided that: “The amendment made by this subsection to subparagraph (F)(ii) of section 485(f)(1) of the Act (20 U.S.C. 1092(f)(1)(F)(ii)) shall be effective with respect to reports made pursuant to such section on or after September 1, 1993. The statistics required by subparagraph (F) of such section shall—

“(A) in the report required on September 1, 1992, include statistics concerning the occurrence on campus of offenses during the period from August 1, 1991, to July 31, 1992;

“(B) in the report required on September 1, 1993, include statistics concerning the occurrence on campus of offenses during (i) the period from August 1, 1991, to December 31, 1991, and (ii) the calendar year 1992;

“(C) in the report required on September 1, 1994, include statistics concerning the occurrence on campus of offenses during (i) the period from August 1, 1991, to December 31, 1991, and (ii) the calendar years 1992 and 1993; and

“(D) in the report required on September 1 of 1995 and each succeeding year, include statistics concerning the occurrence on campus of offenses during the three calendar years preceding the year in which the report is made.”

**Effective Date of 1990 Amendment**

Pub. L. 101–542, title I, §104(b), Nov. 8, 1990, 104 Stat. 2384, as amended by Pub. L. 102–26, §10(e), Apr. 9, 1991, 105 Stat. 128, provided that: “The report to the Secretary of Education required by the amendments made by this section [amending this section] shall be due on July 1, 1993, and annually thereafter, and shall cover the one-year period ending on June 30 of the preceding year.”

Pub. L. 101–542, title II, §204(c), Nov. 8, 1990, 104 Stat. 2387, provided that: “The amendments made by this section [amending this section] shall take effect on September 1, 1991, except that the requirement of section 485(f)(1)(F) and (H) of the Higher Education Act of 1965 (subsec. (f)(1)(F), (H) of this section) (as added by this section) shall be applied to require statistics with respect to school years preceding the date of enactment of this Act [Nov. 8, 1990] only to the extent that data concerning such years is reasonably available.”

**Effective Date of 1987 Amendment**


**Effective Date**

Section effective Oct. 17, 1986, except as otherwise provided, see section 2 of Pub. L. 99–498, set out as a note under section 1061 of this title.

**Regulations**

Pub. L. 101–542, title IV, §401(a), Nov. 8, 1990, 104 Stat. 2388, provided that: “The Secretary is authorized to issue regulations to carry out the provisions of this Act [amending this section and sections 1085, 1089, and 1232g of this title and enacting provisions set out as notes under this section and section 1061 of this title].”

**Model Institution Financial Aid Offer Form**


“(a) Model Format.—The Secretary of Education shall—

“(1) not later than six months after the date of enactment of the Higher Education Opportunity Act [Aug. 14, 2008], convene a group of students, families of students, secondary school guidance counselors, representatives of institutions of higher education (including financial aid administrators, registrars, and business officers), and nonprofit consumer groups for the purpose of offering recommendations for improvements that—

“(A) can be made to financial aid offer forms; and

“(B) include the information described in subsection (b);

“(2) develop a model format for financial aid offer forms based on the recommendations of the group; and

“(3) not later than one year after the date of enactment of the Higher Education Opportunity Act—

“(A) submit recommendations to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)); and

“(B) make the recommendations and model format widely available.

“(b) CONTENTS.—The recommendations developed under subsection (a) for model financial aid offer forms shall include, in a consumer-friendly manner that is simple and understandable, the following:

“(1) Information on the student’s cost of attendance, including the following:

“(A) Tuition and fees.

“(B) Room and board costs.

“(C) Books and supplies.

“(D) Transportation.

“(2) The amount of financial aid that the student does not have to repay, such as scholarships, grants, and work-study assistance, offered to the student for such year, and the conditions of such financial aid.

“(3) The types and amounts of loans under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.) for which the student is eligible for such year, and the applicable terms and conditions of such loans.

“(4) The net amount that the student, or the student’s family on behalf of the student, will have to
pay for the student to attend the institution for such year, equal to—

"(A) the cost of attendance for the student for such year; minus

"(B) the amount of financial aid described in paragraphs (2) and (3) that is offered in the financial aid offer form.

"(5) Where a student or the student’s family can seek additional information regarding the financial aid offered.

"(6) Any other information the Secretary of Education determines necessary so that students and parents can make informed student loan borrowing decisions."

CONGRESSIONAL FINDINGS

"(1) participation in athletic pursuits plays an important role in teaching young Americans how to work on teams, handle challenges and overcome obstacles;

"(2) participation in athletic pursuits plays an important role in teaching young Americans how to work on teams, handle challenges and overcome obstacles;

"(3) there is increasing concern among citizens, educators, and public officials regarding the athletic opportunities for young men and women at institutions of higher education;

"(4) a recent study by the National Collegiate Athletic Association found that in Division I–A institutions, only 20 percent of the average athletic department operations budget of $3,130,000 is spent on women’s athletics; 15 percent of the average recruiting budget of $321,402 is spent on recruiting female athletes; the average scholarship expenses for men is $1,300,000 and $505,246 for women; and an average of 145 grants are awarded to male athletes and 59 to women athletes;

"(5) female college athletes receive less than 18 percent of the athletics recruiting dollar and less than 24 percent of the athletics operating dollar;

"(6) male college athletes receive approximately $79,000,000 more per year in athletic scholarship grants than female college athletes;

"(7) prospective students and prospective student athletes should be aware of the commitments of an institution to providing equitable athletic opportunities for its men and women students; and

"(8) knowledge of an institution’s expenditures for women’s and men’s athletic programs would help prospective students and prospective student athletes make informed judgments about the commitments of a given institution of higher education to providing equitable athletic benefits to its men and women students."


"(1) education is fundamental to the development of individual citizens and the progress of the Nation as a whole;

"(2) there is increasing concern among citizens, educators, and public officials regarding the academic performance of students at institutions of higher education;

"(3) a recent study by the National Institute of Independent Colleges and Universities found that just 43 percent of students attending 4-year public colleges and universities and 54 percent of students attending private institutions graduated within 6 years of enrolling;

"(4) the academic performance of student athletes, especially student athletes receiving football and basketball scholarships, has been a source of great concern in recent years;

"(5) more than 10,000 athletic scholarships are provided annually by institutions of higher education;

"(6) knowledge of an institution’s expenditures for women’s and men’s athletic programs would help prospective students and prospective student athletes make informed judgments about the commitments of a given institution of higher education to providing equitable athletic benefits to its men and women students; and

"(7) knowledge of graduation rates would help prospective students and prospective student athletes make informed judgments about the educational benefits available at a given institution of higher education."


"(1) the reported incidence of crime, particularly violent crime, on some college campuses has steadily risen in recent years;

"(2) although annual National Campus Violence Surveys indicate that roughly 80 percent of campus crimes are committed by a student upon another student and that approximately 95 percent of the campus crimes that are violent are alcohol- or drug-related, there are currently no comprehensive data on campus crimes;

"(3) out of 8,000 postsecondary institutions participating in Federal student aid programs, only 352 colleges and universities voluntarily provide crime statistics directly through the Uniform Crime Report of the Federal Bureau of Investigation, and other institutions report data indirectly, through local police agencies or States, in a manner that does not permit campus statistics to be separated;

"(4) several State legislatures have adopted or are considering legislation that would require reporting of campus crime statistics and dissemination of security practices and procedures, but the bills are not uniform in their requirements and standards;

"(5) students and employees of institutions of higher education should be aware of the incidence of crime on campus and policies and procedures to prevent crime or to report occurrences of crime;

"(6) applicants for enrollment at a college or university, and their parents, should have access to information about the crime statistics of that institution and its security policies and procedures; and

"(7) while many institutions have established crime preventive measures to increase the safety of campuses, there is a clear need—

"(A) to encourage the development on all campuses of security policies and procedures;

"(B) for uniformity and consistency in the reporting of crimes on campus; and

"(C) to encourage the development of policies and procedures to address sexual assaults and racial violence on college campuses."

IMPROVING REPAYMENT OPTIONS FOR FEDERAL STUDENT LOAN BORROWERS
Memorandum of President of the United States, June 7, 2012, 77 F. R. 35241, provided:

"Memorandum for the Secretary of Education [and] the Secretary of the Treasury

More individuals than ever before are using student loans to finance college. Nearly two-thirds of college graduates borrow to pay for college, with an average debt upon graduation of about $26,300. While a college education remains an excellent investment, this debt can be overly burdensome, especially for recent graduates during the first few years of their careers.

The Income-Based Repayment (IBR) plan for Federal student loans currently allows former students to cap their student loan payments at 15 percent of their current discretionary income. This plan can be an effective tool for helping individuals to manage their debt, especially during challenging economic times.

Over the past several years, my Administration has worked to improve repayment options available to borrowers, including through passage of an enhanced Income-Based Repayment plan, which will cap a Federal student loan borrower’s monthly payments at 10 percent of his or her discretionary income starting in 2014. And we are pursuing administrative action that may extend these lower payments to some students as soon as the end of this calendar year.

However, too few borrowers are aware of the options available to them to help manage their student loan debt, including reducing their monthly payment
through IBR. Additionally, too many borrowers have had difficulties navigating and completing the IBR application process once they have started it. For many and budget reasons, the most significant challenge in completing the IBR application has been the income-verification process, which, until recently, required borrowers to provide a signed copy of their income tax returns. Although the Department of Education has recently removed some of the hurdles to completing the process, too many borrowers are still struggling to access this important repayment option due to difficulty in applying.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

SECTION 1. Streamlined Application Process for Income-Based Repayment Plans. By September 30, 2012, the Secretary of Education, in coordination with the Commissioner of Internal Revenue, shall create a streamlined online application process for IBR that allows student loan borrowers with federally held loans to import their Internal Revenue Service income data directly into the IBR application. This process will allow income information to be seamlessly transmitted so that borrowers can complete the application at one sitting.

Federal direct student loan borrowers shall no longer be required to contact their loan servicer as the first step to apply.

SEC. 2. Integrated Online and Mobile Resources for Loan Repayment Options and Debt Management. By July 15, 2012, the Secretary of Education shall:

(a) create integrated online and mobile resources for students and former students to use in learning about Federal student aid, including an explanation of (1) the current IBR plan, which allows student loan borrowers to cap their monthly loan payments at 15 percent of their discretionary income and be eligible to have their remaining loan balances forgiven after 25 years of responsible payments; and (2) the proposed Pay As You Earn plan, which will allow many students to cap their monthly loan repayments at 10 percent of their discretionary income and be eligible for loan forgiveness after 20 years of responsible repayment; and

(b) develop and make available to borrowers an online tool to help students make better financial decisions, including understanding their loan debt and its impact on their everyday lives. This tool should incorporate key elements of best practices in financial literacy and link to students’ actual Federal loan data to help them understand their individual circumstances and options for repayment.

SEC. 3. Improved Notification of the Income-Based Repayment Plan. The Secretary of Education shall institute Federal direct student loan servicers to make borrowers aware of the option to participate in IBR before a student leaves school and upon entering repayment. Within 1 year of the date of this memorandum, the Department of Education shall make available, for institutions of higher education, a model exit counseling module that will enable students to understand their repayment options before leaving school and to choose a repayment plan for their student loans that best meets their needs.

SEC. 4. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Secretary of Education is hereby authorized and directed to publish this memorandum in the Federal Register.

Barack Obama.

ESTABLISHING A WHITE HOUSE TASK FORCE TO PROTECT STUDENTS FROM SEXUAL ASSAULT

Memorandum for the Heads of Executive Departments and Agencies

Memorandum of President of the United States, Jan. 22, 2014, 79 F.R. 4388, provided:

The prevalence of rape and sexual assault at our Nation’s institutions of higher education is both deeply troubling and a call to action. Studies show that about one in five women is a survivor of attempted or completed sexual violence while in college. In addition, a substantial number of men experience sexual violence during college. Although schools have made progress in addressing rape and sexual assault, more needs to be done to ensure safe, secure environments for students of higher education.

There are a number of Federal laws aimed at making our campuses safer, and the Departments of Education and Justice have been working to enforce them. Among other requirements, institutions of higher education participating in Federal student financial assistance programs (institutions), including colleges, universities, community colleges, graduate and professional schools, for-profit schools, trade schools, and career and technical schools, must provide students with information on programs aimed at preventing rape and sexual assault, and on procedures for students to report rape and sexual assault. Institutions must also adopt and publish grievance procedures that provide for the prompt and equitable resolution of rape and sexual assault complaints, and investigate reports of rape and sexual assault and take swift action to prevent their recurrence. Survivors of rape and sexual assault must also be provided with information on how to access the support and services they need. Reports show, however, that institutions’ compliance with these Federal laws is uneven and, in too many cases, inadequate. Building on existing enforcement efforts, we must strengthen and address compliance issues and provide institutions with additional tools to respond to and address rape and sexual assault.

Therefore, I am directing the Office of the Vice President and the White House Council on Women and Girls to lead an interagency effort to address campus rape and sexual assault, including coordinating Federal enforcement efforts by executive departments and agencies (agencies) and helping institutions meet their obligations under Federal law. To these ends, it is hereby ordered as follows:

SECTION 1. Establishment of the White House Task Force to Protect Students from Sexual Assault. There is established a White House Task Force to Protect Students from Sexual Assault (Task Force). The Task Force shall be co-chaired by designees of the Office of the Vice President and the White House Council on Women and Girls.

(a) Membership of the Task Force. In addition to the Co-Chairs, the Task Force shall consist of the following members:

(i) the Attorney General;

(ii) the Secretary of the Interior;

(iii) the Secretary of Health and Human Services;

(iv) the Secretary of Education;

(v) the Director of the Office of Science and Technology Policy;

(vi) the Director of the Domestic Policy Council;

(vii) the Cabinet Secretary; and

(viii) the heads of agencies or offices as the Co-Chairs may designate.

(b) A member of the Task Force may designate, to perform the Task Force functions of the member, senior officials who are part of the member’s agency or office, and who are full-time officers or employees of the Federal Government.
The Task Force shall work with agencies to develop a coordinated Federal response to campus rape and sexual assault. The functions of the Task Force are advisory only and shall include making recommendations to meet the following objectives:

(i) providing institutions with evidence-based best and promising practices for preventing and responding to rape and sexual assault;

(ii) building on the Federal Government’s existing enforcement efforts to ensure that institutions comply fully with their legal obligations to prevent and respond to rape and sexual assault;

(iii) increasing the transparency of the Federal Government’s enforcement activities concerning rape and sexual assault, consistent with applicable law and the interests of affected students;

(iv) broadening the public’s awareness of individual institutions’ compliance with their legal obligation to address rape and sexual assault; and

(v) facilitating coordination among agencies engaged in addressing rape and sexual assault and those charged with helping bring institutions into compliance with the law.

(b) In accordance with applicable law and in addition to regular meetings, the Task Force shall consult with external stakeholders, including institution officials, student groups, parents, athletic and educational associations, local rape crisis centers, and law enforcement agencies.

(c) Because rape and sexual assault also occur in the elementary and secondary school context, the Task Force shall evaluate how its proposals and recommendations may apply to, and may be implemented by, schools, school districts, and other elementary and secondary educational entities receiving Federal financial assistance.

Sect. 3. Action Plan. (a) Within 90 days of the date of this memorandum, the Task Force shall develop and submit proposals and recommendations to the President for:

(i) providing examples of instructions, policies, and protocols for institutions, including: rape and sexual assault policies; prevention programs; crisis intervention and advocacy services; complaint and grievance procedures; investigation protocols; adjudicatory procedures; disciplinary sanctions; and training and orientation modules for students, staff, and faculty;

(ii) measuring the success of prevention and response efforts at institutions, whether through compliance with Federal policies or through broader assessments of campus climate, attitudes and safety, and providing the public with this information.

(c) The heads of agencies and offices shall assist and provide information to the Task Force, consistent with applicable law, as may be necessary to carry out the functions of the Task Force. Each agency and office shall bear its own expenses of participating in the Task Force.

(d) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) The Secretary of Education is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.
struggling to repay their Federal student loans to ensure that they have the information they need to select the best repayment option and avoid future default. In addition to focusing on borrowers who have fallen behind on their loan payments, the Secretary’s effort shall focus on borrowers who have left college without completing their education, borrowers who have missed their first loan payment, and borrowers (especially those with low balances) who have defaulted on their loans to help them rehabilitate their loans with income-based monthly payments. The Secretary of Education shall convene higher education experts and pilots project to test the effectiveness of loan counseling programs, private collection agencies, and institutions of higher education. Federal student loan lenders, loan servicers, private collection agencies, and institutions of higher education. More than one in six borrowers default on their loans within 3 years of leaving school. My Administration has already put in place significant protections that ensure borrowers are treated fairly. We have worked with Congress to enact the American Opportunity Tax Credit, worth $10,000 over 4 years of college. We have promoted innovation and competition to bring down college costs, increased completion rates, and given consumers clear, transparent information on college performance.

Barack Obama.

STUDENT AID BILL OF RIGHTS TO HELP ENSURE AFFORDABLE LOAN REPAYMENT

Memorandum of President of the United States, Mar. 10, 2015, 80 F.R. 1975, provided:

(a) Complaints and Feedback Regarding Federal Financial Aid. By July 1, 2016, the Secretary of Education shall develop and implement a simple process for borrowers to file complaints regarding Federal financial aid, including those pertaining to lenders, loan servicers, private collection agencies, and institutions of higher education. The process shall allow people to file a complaint and monitor its progress toward resolution. In addition, the Department of Education shall provide data from the complaint system to other enforcement agencies that are responsible for oversight of Federal student loan lenders, loan servicers, private collection agencies, and institutions of higher education. By October 1, 2017, and annually thereafter, the Department of Education shall publish a report summarizing and analyzing the content in and resolution of borrower complaints and feedback received through the process. By October 1, 2015, the Secretary of Education shall report to the President, through the Director of the Domestic Policy Council and the Director of the Office of Management and Budget, on the optimal way to address other student complaints regarding institutions of higher education that participate in Federal student financial aid programs.

(b) Coordination Among Other Enforcement Agencies. By October 1, 2015, the Secretary of Education shall, in consultation with the Director of the Consumer Financial Protection Bureau, recommend to the President, through the Director of the Domestic Policy Council and the Director of the Office of Management and Budget, a process for sharing information with relevant enforcement agencies so that those enforcement agencies may refer matters where there may be violations of consumer protection law.
S. 2. Helping Borrowers Repay Their Loans and Avoid Default.

(a) Higher Standards for Federal Direct Loan Servicing. By January 1, 2016, the Secretary of Education shall require all Federal Direct student loan servicers to provide enhanced disclosures to borrowers and strengthen consumer protections. These disclosures and consumer protections shall be improved throughout the loan repayment process, and shall include disclosures to borrowers regarding loan transfers from one servicer to another and notifications when borrowers become delinquent or have incomplete applications to change repayment plans. As soon as practicable, the Secretary shall direct all Federal Direct student loan servicers to apply prepayments to loans with the highest interest rate to ensure consistency across servicers, unless otherwise instructed by borrowers.

(b) Regular Review of Student Loan Performance and Borrower Trends. The Director of the Office of Management and Budget and the Secretary of Education shall convene quarterly an interagency task force consisting of the Department of the Treasury, Department of Education, Office of Management and Budget, and Domestic Policy Council to monitor trends in the student loan portfolio, budget costs, and borrower assistance efforts. No later than August 1, 2015, the task force shall review recommendations for the Department of Education from its members and the Consumer Financial Protection Bureau on best practices in performance-based contracting to better ensure that servicers help borrowers responsibly make affordable monthly payments on their student loans.

(c) Additional Protections for Student Loan Borrowers. By October 1, 2015, the Secretary of Education, in consultation with the Secretary of the Treasury and the Director of the Consumer Financial Protection Bureau, shall issue a report to the President, through the Director of the Domestic Policy Council and the Director of the Office of Management and Budget, on (i) whether statutory or regulatory changes are needed to current payment plans with the highest interest rate to ensure consistency across servicers, unless otherwise instructed by borrowers.

(d) Higher Customer Service Standards in Income-Driven Repayment Plans. By October 1, 2015, the Secretary of Education and the Secretary of the Treasury shall report to the President, through the Director of the Domestic Policy Council and the Director of the Office of Management and Budget, on the initial findings of an ongoing pilot program to test new methods of collecting income from student loan borrowers who receive Social Security Disability Insurance (SSDI) and determine which beneficiaries qualify for a total and permanent disability discharge of their student loans under the Higher Education Act of 1965. The plan shall specify a process for parties who must determine whether to contest an undue hardship discharge in bankruptcy of a Federal student loan.

S. 3. Fair Treatment for Struggling and Distressed Borrowers.

(a) Raising Standards for Student Loan Debt Collectors. By July 1, 2015, the Secretary of Education shall implement actions to ensure that the debt collection process for defaulted Federal student loans is fair, transparent, charges reasonable fees to defaulted borrowers, and effectively assists borrowers in meeting their obligations and returning to good standing. By January 1, 2016, the Secretary of Education shall publish a quarterly performance report on the Department’s private debt collection agency contractors that includes the underlying data, disaggregated by contractor.

(b) Providing Clarity on the Rights of Borrowers in Bankruptcy. By July 1, 2015, the Secretary of Education shall issue information highlighting factors the courts have used in their determination of undue hardship, to assist parties who must determine whether to contest an undue hardship discharge in bankruptcy of a Federal student loan.

(c) Protecting Social Security Benefits for Borrowers with Disabilities. By July 1, 2015, the Secretary of Education and the Director of the Office of Management and Budget, in consultation with the Commissioner of Social Security, shall develop a plan to identify Federal student loan borrowers who receive Social Security Disability Insurance (SSDI) and determine which beneficiaries qualify for a total and permanent disability discharge of their student loans under the Higher Education Act of 1965. The plan shall specify a process for parties who must determine whether to contest an undue hardship discharge in bankruptcy of a Federal student loan.


(a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

S. 5. The Secretary of Education is hereby authorized and directed to publish this memorandum in the Federal Register.

Barack Obama.
§ 1092a. Combined payment plan

(a) Eligibility for plan

Upon the request of the borrower, a lender described in subparagraph (A), (B), or (C) of section 1078-3(a)(1) of this title, or an eligible lender as defined in section 719 of the Public Health Service Act (42 U.S.C. 292) may, with respect to a consolidation loan made under section 1078-3 of this title (and section 1087-2(o) of this title as in effect prior to the enactment of section 1078-3 of this title) and loans guaranteed under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.), offer a combined payment plan under which the lender shall submit one bill to the borrower for the repayment of all such loans for the monthly or other similar period of repayment.

(b) Applicability of other requirements

A lender offering a combined payment plan shall comply with all provisions of section 1078-3 of this title applicable to loans consolidated or to be consolidated and shall comply with all provisions of part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) applicable to loans under that subpart which are made part of the combined payment plan, except that a lender offering a combined payment plan under this section may offer consolidation loans pursuant to section 1078-3(b)(1)(A) of this title if such lender holds any outstanding loan of a borrower which is selected for inclusion in a combined payment plan.

(c) Lender eligibility

Such lender may offer a combined payment plan only if—

(1) the lender holds an outstanding loan of that borrower which is selected by the borrower for incorporation into a combined payment plan pursuant to this section (including loans which are selected by the borrower for consolidation under this section); or

(2) the borrower certifies that the borrower has sought and has been unable to obtain a combined payment plan from the holders of the outstanding loans of that borrower.

(d) Borrower selection of competing offers

In the case of multiple offers by lenders to administer a combined payment plan for a borrower, the borrower shall select from among them the lender to administer the combined payment plan including its loan consolidation component.

(e) Effect of plan

Upon selection of a lender to administer the combined payment plan, the lender may reissue any loan under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) selected by the borrower for incorporation in the combined payment plan which is not held by such lender and the proceeds of such reissued loan shall be paid by the lender to the holder or holders of the loans so selected to discharge the liability on such loans if—

(1) the lender selected to administer the combined payment plan has determined to its satisfaction, in accordance with reasonable and prudent business practices, for each loan being reissued (A) that the loan is a legal, valid, and binding obligation of the borrower; (B) that each such loan was made and serviced in compliance with applicable laws and regulations; and (C) the insurance on such loan is in full force and effect; and

(2) the loan being reissued was not in default (as defined in section 707(e)(3) of the Public Health Service Act [42 U.S.C. 292(e)(3)]) at the time the request for a combined payment plan is made.

(f) Notes and insurance certificates

(1) Each loan reissued under subsection (e) of this section shall be evidenced by a note executed by the borrower. The Secretary of Health and Human Services shall insure such loan under a certificate of comprehensive insurance with no insurance limit, but any such certificate shall only be issued to an authorized holder of loans insured under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) (including the Student Loan Marketing Association). Such certificates shall provide that all loans reissued under this section shall be fully insured against loss of principal and interest. Any insurance issued with respect to loans reissued under this section shall be excluded from the limitation on maximum insurance authority set forth in section 710 of the Public Health Service Act [42 U.S.C. 292]. Notwithstanding the provisions of section 729(a) of the Public Health Service Act, the reissued loan shall be made in an amount, including outstanding principal, capitalized interest, accrued unpaid interest not yet capitalized, and authorized late charges. The proceeds of each such loan will be paid by the lender to the holder of the original loan being reissued and the borrower’s obligation to that holder on that loan shall be discharged.

(2) Except as otherwise specifically provided for under the provisions of this section, the terms of any reissued loan shall be the same as the terms of the original loan. The maximum repayment period for a loan reissued under this section shall not exceed the remainder of the period which would have been permitted on the original loan. If the lender holds more than one loan insured under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.), the maximum repayment period for all such loans may extend to the latest date permitted for any individual loan. Any reissued loan may be consolidated with any other Health Education Assistance Loan as provided in the Public Health Service Act [42 U.S.C. 201 et seq.], and, with the concurrence of the borrower, repayment of any such loans during any period may be made in amounts that are less than the interest that accrues on such loans during that period.

(g) Termination of borrower eligibility

The status of an individual as an eligible combined payment plan borrower terminates upon receipt of a combined payment plan.

(h) Fees and premiums

No origination fee or insurance premium shall be charged to the borrower on any combined payment plan, and no origination fee or insur-

1See References in Text note below.