

(A) The Secretary shall first be paid an amount which bears the same ratio to the total to be distributed as the Federal capital contributions by the Secretary to the student loan fund prior to such distribution bear to the sum of such Federal capital contributions and the capital contributions to the fund made by the institution.

(B) The remainder of the capital distribution shall be paid to the institution.

(2) No finding that the liquid assets of a student loan fund established under this part exceed the amount required under paragraph (1) may be made prior to a date which is 2 years after the date on which the institution of higher education received the funds from such institution's allocation under section 1087bb of this title.

(Pub. L. 89-329, title IV, § 466, as added Pub. L. 99-498, title IV, § 405(a), Oct. 17, 1986, 100 Stat. 1453; amended Pub. L. 102-325, title IV, § 466, July 23, 1992, 106 Stat. 584; Pub. L. 103-208, § 2(f)(15), Dec. 20, 1993, 107 Stat. 2471; Pub. L. 105-244, title IV, § 466, Oct. 7, 1998, 112 Stat. 1728; Pub. L. 110-84, title V, § 501, Sept. 27, 2007, 121 Stat. 801; Pub. L. 114-105, § 2(b), Dec. 18, 2015, 129 Stat. 2220.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1087ff, Pub. L. 89-329, title IV, § 466, as added Pub. L. 92-318, title I, § 137(b), June 23, 1972, 86 Stat. 278; amended Pub. L. 94-482, title I, § 130(h), Oct. 12, 1976, 90 Stat. 2147; Pub. L. 96-374, title IV, § 442(c), title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1440, 1503, related to distribution of assets from student loan funds, prior to the general revision of this part by Pub. L. 99-498.

##### AMENDMENTS

2015—Subsec. (a). Pub. L. 114-105, § 2(b)(1)(A), substituted “Beginning October 1, 2017” for “After September 30, 2003, and not later than March 31, 2004” in introductory provisions.

Subsec. (a)(1). Pub. L. 114-105, § 2(b)(1)(B), substituted “September 30, 2017” for “September 30, 2003”.

Subsec. (b). Pub. L. 114-105, § 2(b)(2), substituted “Beginning October 1, 2017” for “After October 1, 2012” and “September 30, 2017” for “September 30, 2003”.

Subsec. (c)(1). Pub. L. 114-105, § 2(b)(3), substituted “October 1, 2017” for “October 1, 2004” in introductory provisions.

2007—Subsec. (b). Pub. L. 110-84 substituted “October 1, 2012” for “March 31, 2012”.

1998—Subsec. (a). Pub. L. 105-244, § 466(1)(A), in introductory provisions, substituted “2003” for “1996” and “2004” for “1997”.

Subsec. (a)(1). Pub. L. 105-244, § 466(1)(B), substituted “2003” for “1996”.

Subsec. (b). Pub. L. 105-244, § 466(2), substituted “2012” for “2005” and “2003” for “1996”.

Subsec. (c)(1). Pub. L. 105-244, § 466(3), substituted “2004” for “1997” in introductory provisions.

1993—Subsec. (c)(2). Pub. L. 103-208 realigned margin.

1992—Subsec. (b). Pub. L. 102-325, § 466(1), substituted “2005” for “1997”.

Subsec. (c). Pub. L. 102-325, § 466(2), designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and added par. (2).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-84 effective Oct. 1, 2007, see section 1(c) of Pub. L. 110-84, set out as a note under section 1070a of this title.

##### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

##### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of this title.

#### § 1087gg. Collection of defaulted loans: Perkins Loan Revolving Fund

##### (a) Authority of Secretary to collect referred, transferred, or assigned loans

With respect to any loan—

(1) which was made under this part, and

(2) which is referred, transferred, or assigned to the Secretary by an institution with an agreement under section 1087cc(a) of this title,

the Secretary is authorized to attempt to collect such loan by any means authorized by law for collecting claims of the United States (including referral to the Attorney General for litigation) and under such terms and conditions as the Secretary may prescribe, including reimbursement for expenses reasonably incurred in attempting such collection.

##### (b) Collection of referred, transferred, or assigned loans

The Secretary shall continue to attempt to collect any loan referred, transferred, or assigned under paragraph (4) or (5) of section 1087cc(a) of this title until all appropriate collection efforts, as determined by the Secretary, have been expended.

(Pub. L. 89-329, title IV, § 467, as added Pub. L. 99-498, title IV, § 405(a), Oct. 17, 1986, 100 Stat. 1453; amended Pub. L. 102-325, title IV, § 467, July 23, 1992, 106 Stat. 584; Pub. L. 105-244, title IV, § 467(a), Oct. 7, 1998, 112 Stat. 1728; Pub. L. 111-39, title IV, § 405(6), July 1, 2009, 123 Stat. 1947.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1087gg, Pub. L. 89-329, title IV, § 467, as added Pub. L. 96-49, § 5(d)(3)(A), Aug. 13, 1979, 93 Stat. 352; amended Pub. L. 96-374, title IV, § 445(c), title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1442, 1503; Pub. L. 99-272, title XVI, § 16029, Apr. 7, 1986, 100 Stat. 354, related to collection of defaulted loans, prior to the general revision of this part by Pub. L. 99-498.

##### AMENDMENTS

2009—Subsec. (b). Pub. L. 111-39 substituted “paragraph (4) or (5)” for “paragraph (5)(A), (5)(B)(i), or (6)”.

1998—Subsec. (c). Pub. L. 105-244 struck out heading and text of subsec. (c) which established the Perkins Loan Revolving Fund and provided for deposits into and payments from the Fund.

1992—Pub. L. 102-325 amended section catchline generally, inserting “: Perkins Loan Revolving Fund” after “loans” and added subsec. (c).

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

## EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 to this section, relating to creation of Perkins Loan Revolving Fund, effective Sept. 15, 1997, see section 468(4) of Pub. L. 102-325, set out as a note under section 1087dd of this title.

## TRANSFER OF BALANCE

Pub. L. 105-244, title IV, §467(b), Oct. 7, 1998, 112 Stat. 1728, provided that: “Any funds in the Perkins Loan Revolving Fund on the date of enactment of this Act [Oct. 7, 1998] shall be transferred to and deposited in the Treasury.”

**§ 1087hh. General authority of Secretary**

In carrying out the provisions of this part, the Secretary is authorized—

(1) to consent to modification, with respect to rate of interest, time of payment of any installment of principal and interest or any portion thereof, or any other provision of any note evidencing a loan which has been made under this part;

(2) to enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption;

(3) to conduct litigation in accordance with the provisions of section 1082(a)(2) of this title; and

(4) to enter into a contract or other arrangement with State or nonprofit agencies and, on a competitive basis, with collection agencies for servicing and collection of loans under this part.

(Pub. L. 89-329, title IV, §468, as added Pub. L. 99-498, title IV, §405(a), Oct. 17, 1986, 100 Stat. 1454.)

**Editorial Notes**

## PRIOR PROVISIONS

A prior section 1087hh, Pub. L. 89-329, title IV, §468, as added Pub. L. 96-374, title IV, §442(a), Oct. 3, 1980, 94 Stat. 1437, related to alternative source of funds, prior to the general revision of this part by Pub. L. 99-498.

A prior section 1087ii, Pub. L. 89-329, title IV, §469, as added Pub. L. 96-374, title IV, §442(a), Oct. 3, 1980, 94 Stat. 1439, related to recapture of current balance of student loan funds, prior to the general revision of this part by Pub. L. 99-498.

**§ 1087ii. Definitions****(a) Low-income communities**

For the purpose of this part, the term “low-income communities” means communities in which there is a high concentration of children eligible to be counted under section 6333(c) of this title.

**(b) High-risk children**

For the purposes of this part, the term “high-risk children” means individuals under the age

of 21 who are low-income or at risk of abuse or neglect, have been abused or neglected, have serious emotional, mental, or behavioral disturbances, reside in placements outside their homes, or are involved in the juvenile justice system.

**(c) Infants, toddlers, children, and youth with disabilities**

For purposes of this part, the term “infants, toddlers, children, and youth with disabilities” means children with disabilities and infants and toddlers with disabilities as defined in sections 1401 and 1432 of this title, respectively, and the term “early intervention services” has the meaning given the term in section 1432 of this title.

(Pub. L. 89-329, title IV, §469, as added Pub. L. 102-325, title IV, §465(d), July 23, 1992, 106 Stat. 583; amended Pub. L. 103-382, title III, §391(e)(4), Oct. 20, 1994, 108 Stat. 4022; Pub. L. 108-446, title III, §305(c)(2), Dec. 3, 2004, 118 Stat. 2805; Pub. L. 111-39, title IV, §405(7), July 1, 2009, 123 Stat. 1947; Pub. L. 114-95, title IX, §9215(oo)(9), Dec. 10, 2015, 129 Stat. 2180.)

**Editorial Notes**

## AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95 substituted “eligible to be counted under section 6333(c) of this title” for “eligible to be counted under title I of the Elementary and Secondary Education Act of 1965”.

2009—Subsec. (c). Pub. L. 111-39 substituted “and the term ‘early intervention services’ has the meaning given the term in section 1432 of this title.” for “and the term ‘qualified professional provider of early intervention services’ has the meaning specified in section 1472(2) of this title.”

2004—Subsec. (c). Pub. L. 108-446 substituted “sections 1401 and 1432” for “sections 1401(a)(1) and 1472(1)”.

1994—Subsec. (a). Pub. L. 103-382 substituted “title I” for “chapter 1 of title I”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

## EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

## PART F—NEED ANALYSIS

**Editorial Notes**

## CODIFICATION

Part F of title IV of the Higher Education Act of 1965, Pub. L. 89-329, which comprises this part, was formerly classified to part E of this subchapter. See Codification note preceding section 1087a of this title.

## PRIOR PROVISIONS

A prior part F, consisting of part G of title IV of Pub. L. 89-329, was redesignated part G of this subchapter.

**§ 1087kk. Amount of need**

Except as otherwise provided therein, for award year 2024–2025 and each subsequent award