

1484; amended Pub. L. 100–50, §15(12), June 3, 1987, 101 Stat. 357; Pub. L. 111–39, title IV, § 407(b)(6), July 1, 2009, 123 Stat. 1951.)

Editorial Notes

REFERENCES IN TEXT

The Public Health Service Act, referred to in subsecs. (a), (b), (e), and (f), is act July 1, 1944, ch. 373, 58 Stat. 682, which is classified generally to chapter 6A (§201 et seq.) of Title 42, The Public Health and Welfare. Part A of title VII of the Act is classified generally to part A (§292 et seq.) of subchapter V of chapter 6A of Title 42. Section 729 of the Act was classified to section 294b of Title 42 and was omitted in the general revision of subchapter V of chapter 6A by Pub. L. 102–408, title I, §102, Oct. 13, 1992, 106 Stat. 1994. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

AMENDMENTS

2009—Subsec. (a). Pub. L. 111–39, § 407(b)(6)(A), substituted “or an eligible lender as defined in section 719 of the Public Health Service Act (42 U.S.C. 292o)” for “or defined in subpart I of part C of title VII of the Public Health Service Act” and “under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)” for “under subpart I of part C of title VII of the Public Health Service Act (known as Health Education Assistance Loans)”.

Subsec. (b). Pub. L. 111–39, § 407(b)(6)(B), substituted “part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)” for “subpart I of part C of title VII of the Public Health Service Act”.

Subsec. (e). Pub. L. 111–39, § 407(b)(6)(C)(i), substituted “loan under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)” for “Health Education Assistance Loan” in introductory provisions.

Subsec. (e)(2). Pub. L. 111–39, § 407(b)(6)(C)(ii), substituted “707(e)(3)” for “733(e)(3)”.

Subsec. (f)(1). Pub. L. 111–39, § 407(b)(6)(D)(i), substituted “part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)” for “subpart I of part C of title VII of the Public Health Service Act” and “710” for “728(a)”.

Subsec. (f)(2). Pub. L. 111–39, § 407(b)(6)(D)(ii), substituted “part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)” for “subpart I of part C of title VII of the Public Health Service Act”.

1987—Subsec. (a). Pub. L. 100–50 substituted “subparagraph (A), (B), or (C)” for “clause (i), (ii), or (iii)”.

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 1987 AMENDMENT

Amendment by Pub. L. 100–50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99–498, see section 27 of Pub. L. 100–50, set out as a note under section 1001 of this title.

§ 1092b. National Student Loan Data System

(a) Development of System

The Secretary shall consult with a representative group of guaranty agencies, eligible lenders, and eligible institutions to develop a mutually agreeable proposal for the establishment of a National Student Loan Data System containing information regarding loans made, insured, or guaranteed under part B and loans made under parts D and E, and for allowing the electronic

exchange of data between program participants and the system. In establishing such data system, the Secretary shall place a priority on providing for the monitoring of enrollment, student status, information about current loan holders and servicers, and internship and residency information. Such data system shall also permit borrowers to use the system to identify the current loan holders and servicers of such borrower's loan not later than one year after October 7, 1998. The information in the data system shall include (but is not limited to)—

(1) the amount and type of each such loan made;

(2) the names and social security numbers of the borrowers;

(3) the guaranty agency responsible for the guarantee of the loan;

(4) the institution of higher education or organization responsible for loans made under parts D and E;

(5) the exact amount of loans partially or totally canceled or in deferment for service under the Peace Corps Act (22 U.S.C. 2501 et seq.), for service under the Domestic Volunteer Service Act of 1973 [42 U.S.C. 4950 et seq.], and for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness;

(6) the eligible institution in which the student was enrolled or accepted for enrollment at the time the loan was made, and any additional institutions attended by the borrower;

(7) the total amount of loans made to any borrower and the remaining balance of the loans;

(8) the lender, holder, and servicer of such loans;

(9) information concerning the date of any default on the loan and the collection of the loan, including any information concerning the repayment status of any defaulted loan on which the Secretary has made a payment pursuant to section 1080(a) of this title or the guaranty agency has made a payment to the previous holder of the loan;

(10) information regarding any deferments or forbearance granted on such loans; and

(11) the date of cancellation of the note upon completion of repayment by the borrower of the loan or payment by the Secretary pursuant to section 1087 of this title.

(b) Additional information

For the purposes of research and policy analysis, the proposal shall also contain provisions for obtaining additional data concerning the characteristics of borrowers and the extent of student loan indebtedness on a statistically valid sample of borrowers under part B. Such data shall include—

(1) information concerning the income level of the borrower and his family and the extent of the borrower's need for student financial assistance, including loans;

(2) information concerning the type of institution attended by the borrower and the year of the program of education for which the loan was obtained;

(3) information concerning other student financial assistance received by the borrower; and

(4) information concerning Federal costs associated with the student loan program under part B, including the costs of interest subsidies, special allowance payments, and other subsidies.

(c) Verification

The Secretary may require lenders, guaranty agencies, or institutions of higher education to verify information or obtain eligibility or other information through the National Student Loan Data System prior to making, guaranteeing, or certifying a loan made under part B, D, or E.

(d) Principles for administering the data system

In managing the National Student Loan Data System, the Secretary shall take actions necessary to maintain confidence in the data system, including, at a minimum—

(1) ensuring that the primary purpose of access to the data system by guaranty agencies, eligible lenders, and eligible institutions of higher education is for legitimate program operations, such as the need to verify the eligibility of a student, potential student, or parent for loans under part B, D, or E;

(2) prohibiting nongovernmental researchers and policy analysts from accessing personally identifiable information;

(3) creating a disclosure form for students and potential students that is distributed when such students complete the common financial reporting form under section 1090 of this title, and as a part of the exit counseling process under section 1092(b) of this title, that—

(A) informs the students that any subchapter IV grant or loan the students receive will be included in the National Student Loan Data System, and instructs the students on how to access that information;

(B) describes the categories of individuals or entities that may access the data relating to such grant or loan through the data system, and for what purposes access is allowed;

(C) defines and explains the categories of information included in the data system;

(D) provides a summary of the provisions of section 1232g of this title (commonly known as the “Family Educational Rights and Privacy Act of 1974”) and other applicable Federal privacy statutes, and a statement of the students’ rights and responsibilities with respect to such statutes;

(E) explains the measures taken by the Department to safeguard the students’ data; and

(F) includes other information as determined appropriate by the Secretary;

(4) requiring guaranty agencies, eligible lenders, and eligible institutions of higher education that enter into an agreement with a potential student, student, or parent of such student regarding a loan under part B, D, or E, to inform the student or parent that such loan shall be—

(A) submitted to the data system; and

(B) accessible to guaranty agencies, eligible lenders, and eligible institutions of higher education determined by the Secretary to be authorized users of the data system;

(5) regularly reviewing the data system to—

(A) delete inactive users from the data system;

(B) ensure that the data in the data system are not being used for marketing purposes; and

(C) monitor the use of the data system by guaranty agencies and eligible lenders to determine whether an agency or lender is accessing the records of students in which the agency or lender has no existing financial interest;

(6) developing standardized protocols for limiting access to the data system that include—

(A) collecting data on the usage of the data system to monitor whether access has been or is being used contrary to the purposes of the data system;

(B) defining the steps necessary for determining whether, and how, to deny or restrict access to the data system; and

(C) determining the steps necessary to reopen access to the data system following a denial or restriction of access; and

(7) preventing access to the data system and any other system used to administer a program under this subchapter by any person or entity for the purpose of assisting a student in managing loan repayment or applying for any repayment plan, consolidation loan, or other benefit authorized by this subchapter, unless such access meets the requirements described in subsection (e).

(e) Requirements for third-party data system access

(1) In general

As provided in paragraph (7) of subsection (d), an authorized person or entity described in paragraph (2) may access the data system and any other system used to administer a program under this subchapter if that access—

(A) is in compliance with terms of service, information security standards, and a code of conduct which shall be established by the Secretary and published in the Federal Register;

(B) is obtained using an access device (as defined in section 1029(e)(1) of title 18) issued by the Secretary to the authorized person or entity; and

(C) is obtained without using any access device (as defined in section 1029(e)(1) of title 18) issued by the Secretary to a student, borrower, or parent.

(2) Authorized person or entity

An authorized person or entity described in this paragraph means—

(A) a guaranty agency, eligible lender, or eligible institution, or a third-party organization acting on behalf of a guaranty agency, eligible lender, or eligible institution, that is in compliance with applicable Federal law (including regulations and guidance); or

(B) a licensed attorney representing a student, borrower, or parent, or another individual who works for a Federal, State, local,

or Tribal government or agency, or for a nonprofit organization, providing financial or student loan repayment counseling to a student, borrower, or parent, if—

(i) that attorney or other individual has never engaged in unfair, deceptive, or abusive practices, as determined by the Secretary;

(ii) that attorney or other individual does not work for an entity that has engaged in unfair, deceptive, or abusive practices (including an entity that is owned or operated by a person or entity that engaged in such practices), as determined by the Secretary;

(iii) system access is provided only through a separate point of entry; and

(iv) the attorney or other individual has consent from the relevant student, borrower, or parent to access the system.

(f) Reports to Congress

(1) Annual report

Not later than September 30 of each fiscal year, the Secretary shall prepare and submit to the authorizing committees a report describing—

(A) the effectiveness of existing privacy safeguards in protecting student, borrower, and parent information in the data system;

(B) the success of any new authorization protocols in more effectively preventing abuse of the data system;

(C) the reduction in improper data system access as described in subsection (d)(7);

(D) the ability of the Secretary to monitor how the system is being used, relative to the intended purposes of the data system; and

(E) any protocols, codes of conduct, terms of service, or information security standards developed under paragraphs (6) or (7) of subsection (d) during the preceding fiscal year.

(2) Study

(A) In general

The Secretary shall conduct a study regarding—

(i) available mechanisms for providing students and parents with the ability to opt in or opt out of allowing eligible lenders to access their records in the National Student Loan Data System; and

(ii) appropriate protocols for limiting access to the data system, based on the risk assessment required under subchapter III of chapter 35 of title 44.

(B) Submission of study

Not later than three years after August 14, 2008, the Secretary shall prepare and submit a report on the findings of the study under subparagraph (A) to the authorizing committees.

(g) Standardization of data reporting

(1) In general

The Secretary shall by regulation prescribe standards and procedures (including relevant definitions) that require all lenders and guaranty agencies to report information on all aspects of loans made under this subchapter in

uniform formats in order to permit the direct comparison of data submitted by individual lenders, servicers or guaranty agencies.

(2) Activities

For the purpose of establishing standards under this section, the Secretary shall—

(A) consult with guaranty agencies, lenders, institutions of higher education, and organizations representing the groups described in paragraph (1);

(B) develop standards designed to be implemented by all guaranty agencies and lenders with minimum modifications to existing data processing hardware and software; and

(C) publish the specifications selected to be used to encourage the automation of exchanges of information between all parties involved in loans under this subchapter.

(h) Common identifiers

The Secretary shall, not later than July 1, 1993—

(1) revise the codes used to identify institutions and students in the student loan data system authorized by this section to make such codes consistent with the codes used in each database used by the Department of Education that contains information of participation in programs under this subchapter; and

(2) modify the design or operation of the system authorized by this section to ensure that data relating to any institution is readily accessible and can be used in a form compatible with the integrated postsecondary education data system (IPEDS).

(i) Integration of databases

The Secretary shall integrate the National Student Loan Data System with the Pell Grant applicant and recipient databases as of January 1, 1994, and any other databases containing information on participation in programs under this subchapter.

(Pub. L. 89-329, title IV, § 485B, as added Pub. L. 99-498, title IV, § 407(a), Oct. 17, 1986, 100 Stat. 1486; amended Pub. L. 100-50, § 15(13), June 3, 1987, 101 Stat. 357; Pub. L. 101-239, title II, § 2008, Dec. 19, 1989, 103 Stat. 2121; Pub. L. 101-610, title II, § 204, Nov. 16, 1990, 104 Stat. 3172; Pub. L. 102-325, title IV, § 487, July 23, 1992, 106 Stat. 623; Pub. L. 103-208, § 2(h)(38)-(41), Dec. 20, 1993, 107 Stat. 2478; Pub. L. 105-244, title IV, § 487, Oct. 7, 1998, 112 Stat. 1746; Pub. L. 110-315, title IV, § 489, Aug. 14, 2008, 122 Stat. 3303; Pub. L. 111-39, title IV, § 407(b)(7), July 1, 2009, 123 Stat. 1952; Pub. L. 116-251, § 4, Dec. 22, 2020, 134 Stat. 1130.)

Editorial Notes

REFERENCES IN TEXT

The Peace Corps Act, referred to in subsec. (a)(5), is Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, which is classified principally to chapter 34 (§ 2501 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of Title 22 and Tables.

The Domestic Volunteer Service Act of 1973, referred to in subsec. (a)(5), is Pub. L. 93-113, Oct. 1, 1973, 87 Stat. 394, which is classified principally to chapter 66 (§ 4950 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4950 of Title 42 and Tables.

AMENDMENTS

2020—Subsec. (d)(7). Pub. L. 116-251, §4(2), added par. (7).

Subsec. (e). Pub. L. 116-251, §4(3), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 116-251, §4(1), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (f)(1)(A). Pub. L. 116-251, §4(4)(A), substituted “student, borrower, and parent” for “student and parent”.

Subsec. (f)(1)(C), (D). Pub. L. 116-251, §4(4)(B), (C), added subpar. (C) and redesignated former subpar. (C) as (D). Former subpar. (D) redesignated (E).

Subsec. (f)(1)(E). Pub. L. 116-251, §4(4)(B), (D), redesignated subpar. (D) as (E), struck it out, and added a new subpar. (E). Prior to amendment, subpar. read as follows: “any protocols developed under subsection (d)(6) during the preceding fiscal year.”

Subsecs. (g), (h). Pub. L. 116-251, §4(1), redesignated subsecs. (f) and (g) as (g) and (h), respectively.

2009—Subsec. (a)(5). Pub. L. 111-39, §407(b)(7)(A), substituted “2501 et seq.” for “2501 et seq.)”.

Subsec. (d)(3)(D). Pub. L. 111-39, §407(b)(7)(B), substituted “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’” for “the Family Educational Rights and Privacy Act of 1974”.

2008—Subsec. (a)(5). Pub. L. 110-315, §489(1)(C), which directed redesignation of par. (5) “as added by Pub. L. 101-234” as (6), was executed by redesignating par. (5) relating to eligible institutions as (6) to reflect the probable intent of Congress. Par. (5) relating to eligible institutions was added by Pub. L. 101-239.

Pub. L. 110-315, §489(1)(B), substituted “effectiveness,” for “effectiveness.” in par. (5) relating to loan cancellations and deferments.

Subsec. (a)(6). Pub. L. 110-315, §489(1)(C), which directed redesignation of par. (5) “as added by Pub. L. 101-234” as (6), was executed by redesignating par. (5) relating to eligible institutions as (6), to reflect the probable intent of Congress. Par. (5) relating to eligible institutions was added by Pub. L. 101-239.

Subsec. (a)(7) to (11). Pub. L. 110-315, §489(1)(A), redesignated pars. (6) to (10) as (7) to (11), respectively.

Subsec. (d). Pub. L. 110-315, §489(3), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 110-315, §489(4), added subsec. (e) and struck out former subsec. (e) which required the Secretary to prepare and submit to appropriate committees of Congress, in each fiscal year, a report describing the results obtained by the establishment and operation of the student loan data system authorized by this section.

Pub. L. 110-315, §489(2), redesignated subsec. (d) as (e). Former subsec. (e) designated (f).

Subsecs. (f) to (h). Pub. L. 110-315, §489(2), redesignated subsecs. (e) to (g) as (f) to (h), respectively.

1998—Subsec. (a). Pub. L. 105-244 inserted “not later than one year after October 7, 1998” before period at end of third sentence.

1993—Subsec. (a). Pub. L. 103-208, §2(h)(38), substituted “parts D and E” for “part E” and struck out second period at end of third sentence.

Subsec. (a)(4). Pub. L. 103-208, §2(h)(39), substituted “parts D and E” for “part E”.

Subsec. (c). Pub. L. 103-208, §2(h)(40), substituted “part B, D, or E” for “part B or part E”.

Subsec. (e)(1), (2)(C). Pub. L. 103-208, §2(h)(41), substituted “under this subchapter” for “under this part”.

1992—Subsec. (a). Pub. L. 102-325, §487(a), inserted “, and for allowing the electronic exchange of data between program participants and the system. In establishing such data system, the Secretary shall place a priority on providing for the monitoring of enrollment, student status, information about current loan holders and servicers, and internship and residency information. Such data system shall also permit borrowers to use the system to identify the current loan holders and servicers of such borrower’s loan.” after “part D”.

Subsecs. (e) to (g). Pub. L. 102-325, §487(b), added subsecs. (e) to (g).

1990—Subsec. (a)(5). Pub. L. 101-610 added subsec. (a)(5) relating to loan cancellations and deferments.

1989—Pub. L. 101-239 amended section generally, substituting subsecs. (a) to (d) for former subsec. (a) relating to authority of Secretary, subsec. (b) relating to access to information, subsec. (c) relating to verification not required, and subsec. (d) relating to report to Congress.

1987—Subsec. (b)(1). Pub. L. 100-50, §15(13)(A), substituted “public agencies” for “Federal agencies”.

Subsec. (b)(2)(D). Pub. L. 100-50, §15(13)(B), substituted “of any borrower” for “of a borrower for whom the guaranty agency provides insurance”.

Subsec. (b)(3). Pub. L. 100-50, §15(13)(C), substituted “public agency” for “Federal agency”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116-251 effective 180 days after Dec. 22, 2020, see section 6 of Pub. L. 116-251, set out as a note under section 1018 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.

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.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99-498, see section 27 of Pub. L. 100-50, set out as a note under section 1001 of this title.

§ 1092c. Simplification of lending process for borrowers

(a) All like loans treated as one

To the extent practicable, and with the cooperation of the borrower, eligible lenders shall treat all loans made to a borrower under the same section of part B as one loan and shall submit one bill to the borrower for the repayment of all such loans for the monthly or other similar period of repayment. Any deferments on one such loan will be considered a deferment on the total amount of all such loans.

(b) One lender, one guaranty agency

To the extent practicable, and with the cooperation of the borrower, the guaranty agency shall ensure that a borrower only have one lender, one holder, one guaranty agency, and one servicer with which to maintain contact.

(Pub. L. 89-329, title IV, §485C, as added Pub. L. 102-325, title IV, §488, July 23, 1992, 106 Stat. 624.)

§ 1092d. Scholarship fraud assessment and awareness activities

(a) Annual report on scholarship fraud

(1) Requirement

The Attorney General and the Secretary of Education, in conjunction with the Federal