

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

Trade Commission, shall jointly submit to Congress each year a report on fraud in the offering of financial assistance for purposes of financing an education at an institution of higher education. Each report shall contain an assessment of the nature and quantity of incidents of such fraud during the one-year period ending on the date of such report.

(2) Initial report

The first report under paragraph (1) shall be submitted not later than 18 months after November 1, 2000.

(b) National awareness activities

The Secretary of Education shall, in conjunction with the Federal Trade Commission, maintain a scholarship fraud awareness site on the Internet web site of the Department of Education. The scholarship fraud awareness site may include the following:

(1) Appropriate materials from the Project Scholarscam awareness campaign of the Commission, including examples of common fraudulent schemes.

(2) A list of companies and individuals who have been convicted of scholarship fraud in Federal or State court.

(3) An Internet-based message board to provide a forum for public complaints and experiences with scholarship fraud.

(4) An electronic comment form for individuals who have experienced scholarship fraud or have questions about scholarship fraud, with appropriate mechanisms for the transfer of comments received through such forms to the Department and the Commission.

(5) Internet links to other sources of information on scholarship fraud, including Internet web sites of appropriate nongovernmental organizations, colleges and universities, and government agencies.

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

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

(Pub. L. 106-420, §5, Nov. 1, 2000, 114 Stat. 1868.)

Editorial Notes

CODIFICATION

Section was enacted as part of the College Scholarship Fraud Prevention Act of 2000, and not as part of title IV of the Higher Education Act of 1965 which comprises this subchapter.

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 106-420, §2, Nov. 1, 2000, 114 Stat. 1867, provided that: "Congress makes the following findings:

"(1) A substantial amount of fraud occurs in the offering of college education financial assistance services to consumers.

"(2) Such fraud includes the following:

"(A) Misrepresentations regarding the provision of sources from which consumers may obtain financial assistance (including scholarships, grants, loans, tuition, awards, and other assistance) for purposes of financing a college education.

"(B) Misrepresentations regarding the provision of portfolios of such assistance tailored to the needs of specific consumers.

"(C) Misrepresentations regarding the pre-selection of students as eligible to receive such assistance.

"(D) Misrepresentations that such assistance will be provided to consumers who purchase specified services from specified entities.

"(E) Misrepresentations regarding the business relationships between particular entities and entities that award or may award such assistance.

"(F) Misrepresentations regarding refunds of processing fees if consumers are not provided specified amounts of such assistance, and other misrepresentations regarding refunds.

"(3) In 1996, the Federal Trade Commission launched 'Project Scholarscam', a joint law enforcement and consumer education campaign directed at fraudulent purveyors of so-called 'scholarship services'.

"(4) Despite the efforts of the Federal Trade Commission, colleges and universities, and nongovernmental organizations, the continued lack of awareness about scholarship fraud permits a significant amount of fraudulent activity to occur."

§ 1092e. College access initiative

(a) State-by-State information

The Secretary shall direct each guaranty agency with which the Secretary has an agreement under section 1078(c) of this title to provide to the Secretary the information necessary for the development of Internet web links and access for students and families to a comprehensive listing of the postsecondary education opportunities, programs, publications, Internet web sites, and other services available in the States for which such agency serves as the designated guarantor.

(b) Guaranty agency activities

(1) Plan and activity required

Each guaranty agency with which the Secretary has an agreement under section 1078(c) of this title shall develop a plan, and undertake the activity necessary, to gather the information required under subsection (a) and to make such information available to the public and to the Secretary in a form and manner as prescribed by the Secretary.

(2) Activities

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

(3) Funding

The activities required by this section may be funded from the guaranty agency's Operating Fund established pursuant to section 1072b of this title and, to the extent funds remain, from earnings on the restricted account established pursuant to section 1072(h)(4) of this title.

(4) Rule of construction

Nothing in this subsection shall be construed to require a guaranty agency to dupli-