

or attachment in order to satisfy any debt owed by the student awarded such assistance, other than a debt owed to the Secretary and arising under this subchapter.

(e) “Disposable pay” defined

For the purpose of this section, the term “disposable pay” means that part of the compensation of any individual from an employer remaining after the deduction of any amounts required by law to be withheld.

(Pub. L. 89-329, title IV, § 488A, as added Pub. L. 102-164, title VI, § 605(a), Nov. 15, 1991, 105 Stat. 1066; amended Pub. L. 105-244, title IV, § 490A, Oct. 7, 1998, 112 Stat. 1753; Pub. L. 109-171, title VIII, § 8024, Feb. 8, 2006, 120 Stat. 180.)

Editorial Notes

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-171 substituted “15 percent” for “10 percent”.

1998—Subsecs. (d), (e). Pub. L. 105-244 added subsec. (d) and redesignated former subsec. (d) as (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-171 effective July 1, 2006, except as otherwise provided, see section 8001(c) of Pub. L. 109-171, set out as a note under section 1002 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.

§ 1096. Administrative expenses

(a) Amount of payments

From the sums appropriated for any fiscal year for the purpose of the program authorized under subpart 1 of part A of this subchapter, the Secretary shall reserve such sums as may be necessary to pay to each institution with which he has an agreement under section 1094 of this title, an amount equal to \$5 for each student at that institution who receives assistance under subpart 1 of part A. In addition, an institution which has entered into an agreement with the Secretary under subpart 3 of part A or part C,¹ of this subchapter or under part E of this subchapter shall be entitled for each fiscal year which such institution disburses funds to eligible students under any such part to a payment for the purpose set forth in subsection (b). The payment for a fiscal year shall be payable from each such allotment by payment in accordance with regulations of the Secretary and shall be equal to 5 percent of the institution's first \$2,750,000 of expenditures plus 4 percent of the institution's expenditures greater than \$2,750,000 and less than \$5,500,000, plus 3 percent of the institution's expenditures in excess of \$5,500,000 during the fiscal year from the sum of its grants to students under subpart 3 of part A, its expenditures during such fiscal year under part C for compensation of students, and the principal

amount of loans made during such fiscal year from its student loan fund established under part E, excluding the principal amount of any such loans which the institution has referred under section 1087cc(a)(4)(B) of this title. In addition, the Secretary shall provide for payment to each institution of higher education an amount equal to 100 percent of the costs incurred by the institution in implementing and operating the immigration status verification system under section 1091(g) of this title.

(b) Purpose of payments

(1) The sums paid to institutions under this part are for the sole purpose of administering the programs described in subsection (a).

(2) If the institution enrolls a significant number of students who are (A) attending the institution less than full time, or (B) independent students, the institution shall use a reasonable proportion of the funds available under this section for financial aid services during times and in places that will most effectively accommodate the needs of such students.

(Pub. L. 89-329, title IV, § 489, as added Pub. L. 99-498, title IV, § 407(a), Oct. 17, 1986, 100 Stat. 1491; amended Pub. L. 99-603, title I, § 121(b)(7), Nov. 6, 1986, 100 Stat. 3391; Pub. L. 100-50, § 15(15), June 3, 1987, 101 Stat. 357; Pub. L. 102-325, title IV, §§ 446(c), 493, July 23, 1992, 106 Stat. 567, 630; Pub. L. 103-208, § 2(h)(44), (k)(6), Dec. 20, 1993, 107 Stat. 2478, 2486; Pub. L. 110-315, title IV, § 494B, Aug. 14, 2008, 122 Stat. 3319; Pub. L. 111-39, title IV, § 407(b)(10), July 1, 2009, 123 Stat. 1953.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1096, Pub. L. 89-329, title IV, § 489, as added Pub. L. 96-374, title IV, § 451(a), Oct. 3, 1980, 94 Stat. 1453; amended Pub. L. 97-35, title V, § 537(a)(2), Aug. 13, 1981, 95 Stat. 456, related to administrative expenses, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-39 substituted “has referred under section 1087cc(a)(4)(B)” for “has agreed to assign under section 1087cc(a)(6)(B)” and “1091(g)” for “1091(h)”.

2008—Subsec. (b)(1). Pub. L. 110-315 substituted “administering” for “offsetting the administrative costs of”.

1993—Subsec. (a). Pub. L. 103-208, § 2(k)(6), repealed Pub. L. 102-325, § 446(c). See 1992 Amendment note below.

Pub. L. 103-208, § 2(h)(44), substituted “1091(h) of this title” for “1091(c) of this title”.

1992—Subsec. (a). Pub. L. 102-325, § 493(a)(3), substituted “subpart 3” for “subpart 2” in two places.

Pub. L. 102-325, § 493(a)(1), (2), struck out “(other than section 1087-57 of this title)” after “or part C” in second sentence and struck out fourth sentence which read as follows: “The payment for a fiscal year for the purpose of subsection (b) with respect to section 1087-57 of this title shall be payable from each allotment under part C in accordance with regulations of the Secretary, and shall be 10 percent of the institution's expenditures during such fiscal year under such section.”

Pub. L. 102-325, § 446(c), which directed amendment identical to amendment by Pub. L. 102-325, § 493(a)(1), (2), above, was repealed by Pub. L. 103-208, § 2(k)(6).

Subsec. (b). Pub. L. 102-325, § 493(b), designated existing provisions as par. (1) and added par. (2).

1987—Subsec. (a). Pub. L. 100-50 made technical amendment to reference to section 1087-57 of this title

¹ So in original.

to correct reference to corresponding section of original Act, requiring no change in text.

1986—Subsec. (a). Pub. L. 99-603 inserted provision directing the Secretary to pay the costs incurred by institutions of higher education in implementing and operating the immigration status verification system under section 1091(c) of this title.

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 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 1992 AMENDMENT

Amendment by section 446(c) of Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of this title.

Amendment by section 493 of Pub. L. 102-325, relating to payments for administrative expenses, applicable with respect to funds provided for award years beginning on or after July 1, 1993, see section 498(7) of Pub. L. 102-325, set out as a note under section 1088 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.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-603 effective Oct. 1, 1987, see section 121(c)(2) of Pub. L. 99-603, set out as a note under section 502 of Title 42, The Public Health and Welfare.

§ 1096a. Repealed. Pub. L. 102-325, title IV, § 494, July 23, 1992, 106 Stat. 631

Section, Pub. L. 89-329, title IV, § 489A, as added Pub. L. 102-164, title VI, § 606, Nov. 15, 1991, 105 Stat. 1068, related to data matching.

§ 1097. Criminal penalties

(a) In general

Any person who knowingly and willfully embezzles, misapplies, steals, obtains by fraud, false statement, or forgery, or fails to refund any funds, assets, or property provided or insured under this subchapter or attempts to so embezzle, misapply, steal, obtain by fraud, false statement or forgery, or fail to refund any funds, assets, or property, shall be fined not more than \$20,000 or imprisoned for not more than 5 years, or both, except if the amount so embezzled, misapplied, stolen, obtained by fraud, false statement, or forgery, or failed to be refunded does not exceed \$200, then the fine shall not be more than \$5,000 and imprisonment shall not exceed one year, or both.

(b) Assignment of loans

Any person who knowingly and willfully makes any false statement, furnishes any false information, or conceals any material informa-

tion in connection with the assignment of a loan which is made or insured under this subchapter or attempts to so make any false statement, furnish any false information, or conceal any material information in connection with such assignment shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than one year, or both.

(c) Inducements to lend or assign

Any person who knowingly and willfully makes an unlawful payment to an eligible lender under part B or attempts to make such unlawful payment as an inducement to make, or to acquire by assignment, a loan insured under such part shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than one year, or both.

(d) Obstruction of justice

Any person who knowingly and willfully destroys or conceals any record relating to the provision of assistance under this subchapter or attempts to so destroy or conceal with intent to defraud the United States or to prevent the United States from enforcing any right obtained by subrogation under this part, shall upon conviction thereof, be fined not more than \$20,000 or imprisoned not more than 5 years, or both.

(e) Access to Department of Education information technology systems for fraud, commercial advantage, or private financial gain

Any person who knowingly uses an access device, as defined in section 1029(e)(1) of title 18, issued to another person or obtained by fraud or false statement to access Department information technology systems for purposes of obtaining commercial advantage or private financial gain, or in furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States or of any State, shall be fined not more than \$20,000, imprisoned for not more than 5 years, or both.

(Pub. L. 89-329, title IV, § 490, as added Pub. L. 99-498, title IV, § 407(a), Oct. 17, 1986, 100 Stat. 1491; amended Pub. L. 102-325, title IV, § 495, July 23, 1992, 106 Stat. 631; Pub. L. 116-251, § 2(a), Dec. 22, 2020, 134 Stat. 1129.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1097, Pub. L. 89-329, title IV, § 490, as added Pub. L. 96-374, title IV, § 451(a), Oct. 3, 1980, 94 Stat. 1453, related to criminal penalties, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

2020—Subsec. (e). Pub. L. 116-251 added subsec. (e).
1992—Pub. L. 102-325 amended section generally, inserting provisions relating to attempted offenses, wherever appearing, and in subsec. (a) inserting provisions relating to failure to refund and substituting provisions relating to \$20,000 and \$5,000 fines for provisions relating to \$10,000 and \$1,000 fines, respectively, in subsec. (b) substituting provisions relating to \$10,000 fines for provisions relating to \$1,000 fines, in subsec. (c) substituting provisions relating to \$10,000 fines for provisions relating to \$1,000 fines, and in subsec. (d) substituting provisions relating to \$20,000 fines for provisions relating to \$10,000 fines.