

**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.

## GUIDANCE

Pub. L. 116–251, §2(b), Dec. 22, 2020, 134 Stat. 1129, provided that: “The Secretary shall issue guidance regarding the use of access devices in a manner that complies with this Act [see Short Title of 2020 Amendment note set out under section 1001 of this title], and the amendments made by this Act.”

## EFFECTIVE DATE OF PENALTIES

Pub. L. 116–251, §2(c), Dec. 22, 2020, 134 Stat. 1129, provided that: “Notwithstanding section 6 [set out as an Effective Date of 2020 Amendment note under section 1018 of this title], the penalties described in section 490(e) of the Higher Education Act of 1965 (20 U.S.C. 1097[(e)]), as added by subsection (a), shall take effect the day after the date on which the Secretary issues guidance regarding the use of access devices, as described in subsection (b) [set out as a Guidance note above].”

**§ 1097a. Administrative subpoenas****(a) Authority**

To assist the Secretary in the conduct of investigations of possible violations of the provisions of this subchapter, the Secretary is authorized to require by subpoena the production of information, documents, reports, answers, records, accounts, papers, and other documentary evidence pertaining to participation in any program under this subchapter. The production of any such records may be required from any place in a State.

**(b) Enforcement**

In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States where such person resides or transacts business for a court order for the enforcement of this section.

(Pub. L. 89–329, title IV, §490A, as added Pub. L. 105–244, title IV, §490B, Oct. 7, 1998, 112 Stat. 1754.)

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105–244, see section 3 of Pub. L. 105–244, set out as an Effective Date of 1998 Amendment note under section 1001 of this title.

**§ 1098. Advisory Committee on Student Financial Assistance****(a) Establishment and purpose**

(1) There is established in the Department an independent Advisory Committee on Student Financial Assistance (hereafter in this section referred to as the “Advisory Committee”) which shall provide advice and counsel to the authorizing committees and to the Secretary on student financial aid matters.

(2) The purpose of the Advisory Committee is—

(A) to provide extensive knowledge and understanding of the Federal, State, and institu-

tional programs of postsecondary student assistance;

(B) to provide technical expertise with regard to systems of needs analysis and application forms;

(C) to make recommendations that will result in the maintenance of access to postsecondary education for low- and middle-income students;

(D) to provide knowledge and understanding of early intervention programs, and to make recommendations that will result in early awareness by low- and moderate-income students and families—

(i) of their eligibility for assistance under this subchapter; and

(ii) to the extent practicable, of their eligibility for other forms of State and institutional need-based student assistance;

(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions of higher education, and private entities to increase the awareness and the total amount of need-based student assistance available to low- and moderate-income students; and

(F) to collect information on Federal regulations, and on the impact of Federal regulations on student financial assistance and on the cost of receiving a postsecondary education, and to make recommendations to help streamline the regulations for institutions of higher education from all sectors.

**(b) Independence of Advisory Committee**

In the exercise of its functions, powers, and duties, the Advisory Committee shall be independent of the Secretary and the other offices and officers of the Department. Notwithstanding Department of Education policies and regulations, the Advisory Committee shall exert independent control of its budget allocations, expenditures and staffing levels, personnel decisions and processes, procurements, and other administrative and management functions. The Advisory Committee’s administration and management shall be subject to the usual and customary Federal audit procedures. Reports, publications, and other documents of the Advisory Committee, including such reports, publications, and documents in electronic form, shall not be subject to review by the Secretary. The recommendations of the Committee shall not be subject to review or approval by any officer in the executive branch, but may be submitted to the Secretary for comment prior to submission to the authorizing committees in accordance with subsection (f). The Secretary’s authority to terminate advisory committees of the Department pursuant to section 1233g(b)<sup>1</sup> of this title ceased to be effective on June 23, 1983.

**(c) Membership**

(1) The Advisory Committee shall consist of 11 members appointed as follows:

(A) Four members shall be appointed by the President pro tempore of the Senate, of whom two members shall be appointed from recommendations by the Majority Leader of the

<sup>1</sup> See References in Text note below.