

(ii) states the purpose for which the information is being disclosed; and

(iii) states that the information may only be used for the specific purpose and no other purposes.

(5) Record keeping requirement

An institution of higher education shall—

(A) keep a record of each written consent made under this subsection for a period of at least 3 years from the date of the student's last date of attendance at the institution; and

(B) make each such record readily available for review by the Secretary.

(Pub. L. 89–329, title IV, §494, as added Pub. L. 116–91, §6(a), Dec. 19, 2019, 133 Stat. 1194; amended Pub. L. 116–260, div. N, title II, §284(b), div. FF, title I, §103(b), title VII, §702(p), Dec. 27, 2020, 134 Stat. 1986, 3086, 3191.)

Editorial Notes

AMENDMENTS

2020—Subsec. (a)(1). Pub. L. 116–260, div. N, §284(b)(1)(A)(i), and div. FF, §103(b)(1)(A)(i), amended par. (1) identically, inserting “, including return information,” after “financial information” in introductory provisions.

Subsec. (a)(1)(A)(i). Pub. L. 116–260, div. N, §284(b)(1)(A)(ii)(I), and div. FF, §103(b)(1)(A)(ii)(I), amended cl. (i) identically, substituting “subparagraph (B)—” and “(I) the” for “subparagraph (B), the” and adding subcl. (II).

Subsec. (a)(1)(A)(ii). Pub. L. 116–260, div. N, §284(b)(1)(A)(ii)(II), and div. FF, §103(b)(1)(A)(ii)(II), amended cl. (ii) identically, substituting “the disclosures described in subclauses (I) and (II) of clause (i)” for “such disclosure”.

Subsec. (a)(1)(B). Pub. L. 116–260, div. N, §284(b)(1)(A)(iii), and div. FF, §103(b)(1)(A)(iii), amended subpar. (B) identically, substituting “disclosures described in subclauses (I) and (II) of subparagraph (A)(i)” for “disclosure described in subparagraph (A)(i)”.

Subsec. (a)(1)(C). Pub. L. 116–260, div. FF, §702(p), added subpar. (C).

Subsec. (a)(2)(A)(ii)(I). Pub. L. 116–260, div. N, §284(b)(1)(B), and div. FF, §103(b)(1)(B), amended subcl. (I) identically, substituting “affirmatively approve the disclosures described in subclauses (I) and (II) of paragraph (1)(A)(i), to the extent applicable, and agree that such approval shall serve as an ongoing approval of such disclosures until the date on which the individual elects to opt out of such disclosures” for “affirmatively approve the disclosure described in paragraph (1)(A)(i) and agree that such approval shall serve as an ongoing approval of such disclosure until the date on which the individual elects to opt out of such disclosure”.

Subsec. (a)(3). Pub. L. 116–260, div. N, §284(b)(2), and div. FF, §103(b)(2), amended par. (3) identically, substituting “paragraph (1)(A)(i)(I)” for “paragraph (1)(A)(i)” in two places.

Subsec. (c). Pub. L. 116–260, div. N, §284(b)(1)(C), and div. FF, §103(b)(1)(C), amended section identically, adding subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by section 702(p) of Pub. L. 116–260 effective July 1, 2024, except as otherwise expressly provided, and applicable with respect to award year 2024–2025 and each subsequent award year, as determined under this chapter, see section 701(b) of Pub. L. 116–260, set out as a note under section 1001 of this title.

PART G–1—HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS

Editorial Notes

CODIFICATION

This part, comprised of Pub. L. 108–76, was formerly classified to part F–1 of this subchapter and was redesignated as part G–1 to correspond with the redesignation of part F as G. Prior to that, Pub. L. 108–76 was set out as a note under section 1070 of this title.

§ 1098aa. Short title; findings; reference

(a) Short title

This part may be cited as the “Higher Education Relief Opportunities for Students Act of 2003”.

(b) Findings

The Congress finds the following:

(1) There is no more important cause than that of our nation's defense.

(2) The United States will protect the freedom and secure the safety of its citizens.

(3) The United States military is the finest in the world and its personnel are determined to lead the world in pursuit of peace.

(4) Hundreds of thousands of Army, Air Force, Marine Corps, Navy, and Coast Guard reservists and members of the National Guard have been called to active duty or active service.

(5) The men and women of the United States military put their lives on hold, leave their families, jobs, and postsecondary education in order to serve their country and do so with distinction.

(6) There is no more important cause for this Congress than to support the members of the United States military and provide assistance with their transition into and out of active duty and active service.

(c) Reference

References in this part to “the Act” are references to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(Pub. L. 108–76, §1, Aug. 18, 2003, 117 Stat. 904.)

Editorial Notes

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (c), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

CODIFICATION

Section was formerly set out in a note under section 1070 of this title.

Section was enacted as part of the Higher Education Relief Opportunities for Students Act of 2003, and not as part of title IV of the Higher Education Act of 1965 which comprises this subchapter.

Statutory Notes and Related Subsidiaries

SENSE OF CONGRESS

Pub. L. 110–93, §1, Sept. 30, 2007, 121 Stat. 999, provided that: “It is the sense of Congress that—

“(1) The Higher Education Relief Opportunities for Students Act of 2003 [this part] addresses the unique

situations that active duty military personnel and other affected individuals may face in connection with their enrollment in postsecondary institutions and their Federal student loans; and

“(2) the provisions authorized by such Act should be made permanent, thereby allowing the Secretary of Education to continue providing assistance to active duty service members and other affected individuals and their families.”

§ 1098bb. Waiver authority for response to military contingencies and national emergencies

(a) Waivers and modifications

(1) In general

Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education (referred to in this part as the “Secretary”) may waive or modify any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Act [20 U.S.C. 1070 et seq.] as the Secretary deems necessary in connection with a war or other military operation or national emergency to provide the waivers or modifications authorized by paragraph (2).

(2) Actions authorized

The Secretary is authorized to waive or modify any provision described in paragraph (1) as may be necessary to ensure that—

(A) recipients of student financial assistance under title IV of the Act who are affected individuals are not placed in a worse position financially in relation to that financial assistance because of their status as affected individuals;

(B) administrative requirements placed on affected individuals who are recipients of student financial assistance are minimized, to the extent possible without impairing the integrity of the student financial assistance programs, to ease the burden on such students and avoid inadvertent, technical violations or defaults;

(C) the calculation of “annual adjusted family income” and “available income”, as used in the determination of need for student financial assistance under title IV of the Act for any such affected individual (and the determination of such need for his or her spouse and dependents, if applicable), may be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such affected individual and his or her family;

(D) the calculation under section 484B(b)(2) of the Act (20 U.S.C. 1091b(b)(2)) of the amount a student is required to return in the case of an affected individual may be modified so that no overpayment will be required to be returned or repaid if the institution has documented (i) the student’s status as an affected individual in the student’s file, and (ii) the amount of any overpayment discharged; and

(E) institutions of higher education, eligible lenders, guaranty agencies, and other entities participating in the student assistance

programs under title IV of the Act that are located in areas that are declared disaster areas by any Federal, State or local official in connection with a national emergency, or whose operations are significantly affected by such a disaster, may be granted temporary relief from requirements that are rendered infeasible or unreasonable by a national emergency, including due diligence requirements and reporting deadlines.

(b) Notice of waivers or modifications

(1) In general

Notwithstanding section 1232 of this title and section 553 of title 5, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section.

(2) Terms and conditions

The notice under paragraph (1) shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions.

(3) Case-by-case basis

The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(c) Impact report

The Secretary shall, not later than 15 months after first exercising any authority to issue a waiver or modification under subsection (a), report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the impact of any waivers or modifications issued pursuant to subsection (a) on affected individuals and the programs under title IV of the Act [20 U.S.C. 1070 et seq.], and the basis for such determination, and include in such report the Secretary’s recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

(d) No delay in waivers and modifications

Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the waivers and modifications authorized or required by this part.

(Pub. L. 108–76, § 2, Aug. 18, 2003, 117 Stat. 904.)

Editorial Notes

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsecs. (a) and (c), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219. Title IV of the Act is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

CODIFICATION

Section was formerly set out in a note under section 1070 of this title.

Section was enacted as part of the Higher Education Relief Opportunities for Students Act of 2003, and not as part of title IV of the Higher Education Act of 1965 which comprises this subchapter.