

**§ 1098cc. Tuition refunds or credits for members of armed forces**

**(a) Sense of Congress**

It is the sense of Congress that—

(1) all institutions offering postsecondary education should provide a full refund to students who are affected individuals for that portion of a period of instruction such student was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for active duty or active service; and

(2) if affected individuals withdraw from a course of study as a result of such active duty or active service, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

**(b) Definition of full refund**

For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

(Pub. L. 108–76, § 3, Aug. 18, 2003, 117 Stat. 906.)

**Editorial Notes**

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.

**§ 1098dd. Use of professional judgment**

A financial aid administrator shall be considered to be making a necessary adjustment in accordance with section 1087tt(a) of this title if the administrator makes adjustments with respect to the calculation of the expected student or parent contribution (or both) of an affected individual, and adequately documents the need for the adjustment.

(Pub. L. 108–76, § 4, Aug. 18, 2003, 117 Stat. 906.)

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**§ 1098ee. Definitions**

In this part:

**(1) Active duty**

The term “active duty” has the meaning given such term in section 101(d)(1) of title 10, except that such term does not include active duty for training or attendance at a service school.

**(2) Affected individual**

The term “affected individual” means an individual who—

(A) is serving on active duty during a war or other military operation or national emergency;

(B) is performing qualifying National Guard duty during a war or other military operation or national emergency;

(C) resides or is employed in an area that is declared a disaster area by any Federal, State, or local official in connection with a national emergency; or

(D) suffered direct economic hardship as a direct result of a war or other military operation or national emergency, as determined by the Secretary.

**(3) Military operation**

The term “military operation” means a contingency operation as such term is defined in section 101(a)(13) of title 10.

**(4) National emergency**

The term “national emergency” means a national emergency declared by the President of the United States.

**(5) Serving on active duty**

The term “serving on active duty during a war or other military operation or national emergency” shall include service by an individual who is—

(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10 or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with a war or other military operation or national emergency, regardless of the location at which such active duty service is performed; and

(B) any other member of an Armed Force on active duty in connection with such war, operation, or emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

**(6) Qualifying National Guard duty**

The term “qualifying National Guard duty during a war or other military operation or national emergency” means service as a member of the National Guard on full-time National Guard duty (as defined in section 101(d)(5) of title 10) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, in connection with a war, another military operation, or a national emergency declared by the President and supported by Federal funds.

(Pub. L. 108–76, § 5, Aug. 18, 2003, 117 Stat. 906.)

**Editorial Notes**

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.

**§ 1099. Transferred****Editorial Notes**

## CODIFICATION

Section, Pub. L. 97-320, title VII, §701(b), Oct. 15, 1982, 96 Stat. 1538, which related to exemption from State disclosure requirements, was transferred to section 1098g of this title.

## PART H—PROGRAM INTEGRITY

**Editorial Notes**

## CODIFICATION

Part H of title IV of the Higher Education Act of 1965, Pub. L. 89-329, which comprises this part, was formerly classified to part G of this subchapter. See Codification note preceding section 1087a of this title.

Pub. L. 105-244, title IV, §491(1), Oct. 7, 1998, 112 Stat. 1758, added heading and struck out former heading “Program Integrity Triad”.

## PRIOR PROVISIONS

A prior part H, consisting of part I of title IV of Pub. L. 89-329, was redesignated part I of this subchapter.

## SUBPART 1—STATE ROLE

**Editorial Notes**

## CODIFICATION

Subpart 1 of part H of title IV of the Higher Education Act of 1965, comprising this subpart, was originally added to Pub. L. 89-329, title IV, by Pub. L. 102-325, title IV, §499, July 23, 1992, 106 Stat. 635, and amended by Pub. L. 103-208, Dec. 20, 1993, 107 Stat. 2457. Subpart 1 is shown herein, however, as having been added by Pub. L. 105-244, title IV, §491(2), Oct. 7, 1998, 112 Stat. 1759, without reference to those intervening amendments because of the extensive revision of subpart 1 by Pub. L. 105-244.

**§ 1099a. State responsibilities****(a) State responsibilities**

As part of the integrity program authorized by this part, each State, through one State agency or several State agencies selected by the State, shall—

(1) furnish the Secretary, upon request, information with respect to the process for licensing or other authorization for institutions of higher education to operate within the State;

(2) notify the Secretary promptly whenever the State revokes a license or other authority to operate an institution of higher education; and

(3) notify the Secretary promptly whenever the State has credible evidence that an institution of higher education within the State—

(A) has committed fraud in the administration of the student assistance programs authorized by this subchapter; or

(B) has substantially violated a provision of this subchapter.

**(b) Institutional responsibility**

Each institution of higher education shall provide evidence to the Secretary that the institution has authority to operate within a State at the time the institution is certified under subpart 3 of this part.

(Pub. L. 89-329, title IV, §495, as added Pub. L. 105-244, title IV, §491(2), Oct. 7, 1998, 112 Stat. 1758.)

**Editorial Notes**

## PRIOR PROVISIONS

Prior sections 1099a to 1099a-3 were omitted in the general amendment of this subpart by Pub. L. 105-244.

Section 1099a, Pub. L. 89-329, title IV, §494, as added Pub. L. 102-325, title IV, §499, July 23, 1992, 106 Stat. 635, authorized State postsecondary review program.

Section 1099a-1, Pub. L. 89-329, title IV, §494A, as added Pub. L. 102-325, title IV, §499, July 23, 1992, 106 Stat. 635, related to State postsecondary review entity agreements.

Section 1099a-2, Pub. L. 89-329, title IV, §494B, as added Pub. L. 102-325, title IV, §499, July 23, 1992, 106 Stat. 637, related to Federal reimbursement of State postsecondary review costs.

Section 1099a-3, Pub. L. 89-329, title IV, §494C, as added Pub. L. 102-325, title IV, §499, July 23, 1992, 106 Stat. 637; amended Pub. L. 103-208, §2(i)(1), (2), Dec. 20, 1993, 107 Stat. 2478, related to functions of State review entities.

## SUBPART 2—ACCREDITING AGENCY RECOGNITION

**Editorial Notes**

## CODIFICATION

Pub. L. 105-244, title IV, §492(a)(1), Oct. 7, 1998, 112 Stat. 1759, substituted “RECOGNITION” for “APPROVAL” in heading.

**§ 1099b. Recognition of accrediting agency or association****(a) Criteria required**

No accrediting agency or association may be determined by the Secretary to be a reliable authority as to the quality of education or training offered for the purposes of this chapter or for other Federal purposes, unless the agency or association meets criteria established by the Secretary pursuant to this section. The Secretary shall, after notice and opportunity for a hearing, establish criteria for such determinations. Such criteria shall include an appropriate measure or measures of student achievement. Such criteria shall require that—

(1) the accrediting agency or association shall be a State, regional, or national agency or association and shall demonstrate the ability and the experience to operate as an accrediting agency or association within the State, region, or nationally, as appropriate;

(2) such agency or association—

(A)(i) for the purpose of participation in programs under this chapter, has a voluntary membership of institutions of higher education and has as a principal purpose the accrediting of institutions of higher education; or

(ii) for the purpose of participation in other programs administered by the Department of Education or other Federal agencies, has a voluntary membership and has as its principal purpose the accrediting of institutions of higher education or programs;

(B) is a State agency approved by the Secretary for the purpose described in subparagraph (A); or

(C) is an agency or association that, for the purpose of determining eligibility for student assistance under this subchapter, conducts accreditation through (i) a voluntary membership organization of individ-