

last attended the institution of higher education.

**(d) Exception from readmission eligibility**

A student's eligibility for readmission to an institution of higher education under this section by reason of such student's service in the uniformed services terminates upon the occurrence of any of the following events:

- (1) A separation of such person from the Armed Forces (including the National Guard and Reserves) with a dishonorable or bad conduct discharge.
- (2) A dismissal of such person permitted under section 1161(a) of title 10.
- (3) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

(Pub. L. 89-329, title IV, § 484C, as added Pub. L. 110-315, title IV, § 487, Aug. 14, 2008, 122 Stat. 3290.)

**PRIOR PROVISIONS**

Prior sections 1091c to 1091f were repealed, effective Sept. 30, 1976, by Pub. L. 94-482, title I, § 151(a)(2), (b), Oct. 12, 1976, 90 Stat. 2151.

Section 1091c, Pub. L. 89-329, title V, § 504, as added Pub. L. 90-35, § 2(c), June 29, 1967, 81 Stat. 83; amended Pub. L. 90-575, title II, § 231(a), Oct. 16, 1968, 82 Stat. 1039; Pub. L. 92-318, title I, § 141(a)(1)(B), (c)(1)(B), June 23, 1972, 86 Stat. 284, 285, authorized the Commissioner to make grants or contracts with State or local educational agencies for attracting qualified persons to the field of education.

Section 1091d, Pub. L. 89-329, title V, § 505, as added Pub. L. 90-35, § 2(c), June 29, 1967, 81 Stat. 84, required the Commissioner to consult with the National Science Foundation and the National Foundation on the Arts and the Humanities in development and review of programs.

Section 1091e, Pub. L. 89-329, title V, § 506, as added Pub. L. 90-35, § 2(c), June 29, 1967, 81 Stat. 84, authorized transfer of funds for programs for education professions development.

Section 1091f, Pub. L. 89-329, title V, § 507, as added Pub. L. 90-35, § 2(c), June 29, 1967, 81 Stat. 84, authorized employment of experts and consultants and set forth provisions for compensation and travel expenses.

**§ 1092. Institutional and financial assistance information for students**

**(a) Information dissemination activities**

(1) Each eligible institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 shall carry out information dissemination activities for prospective and enrolled students (including those attending or planning to attend less than full time) regarding the institution and all financial assistance under this subchapter and part C of subchapter I of chapter 34 of title 42. The information required by this section shall be produced and be made readily available upon request, through appropriate publications, mailings, and electronic media, to an enrolled student and to any prospective student. Each eligible institution shall, on an annual basis, provide to all enrolled students a list of the information that is required to be provided by institutions to students by this section and section 444 of the General Education Provisions Act [20 U.S.C. 1232g] (commonly known as the "Family Educational Rights and Privacy Act of 1974"), together with a statement of the procedures re-

quired to obtain such information. The information required by this section shall accurately describe—

(A) the student financial assistance programs available to students who enroll at such institution;

(B) the methods by which such assistance is distributed among student recipients who enroll at such institution;

(C) any means, including forms, by which application for student financial assistance is made and requirements for accurately preparing such application;

(D) the rights and responsibilities of students receiving financial assistance under this subchapter and part C of subchapter I of chapter 34 of title 42;

(E) the cost of attending the institution, including (i) tuition and fees, (ii) books and supplies, (iii) estimates of typical student room and board costs or typical commuting costs, and (iv) any additional cost of the program in which the student is enrolled or expresses a specific interest;

(F) a statement of—

(i) the requirements of any refund policy with which the institution is required to comply;

(ii) the requirements under section 1091b of this title for the return of grant or loan assistance provided under this subchapter and part C of subchapter I of chapter 34 of title 42; and

(iii) the requirements for officially withdrawing from the institution;

(G) the academic program of the institution, including (i) the current degree programs and other educational and training programs, (ii) the instructional, laboratory, and other physical plant facilities which relate to the academic program, (iii) the faculty and other instructional personnel, and (iv) any plans by the institution for improving the academic program of the institution;

(H) each person designated under subsection (c) of this section, and the methods by which and locations in which any person so designated may be contacted by students and prospective students who are seeking information required by this subsection;

(I) special facilities and services available to students with disabilities;

(J) the names of associations, agencies, or governmental bodies which accredit, approve, or license the institution and its programs, and the procedures under which any current or prospective student may obtain or review upon request a copy of the documents describing the institution's accreditation, approval, or licensing;

(K) the standards which the student must maintain in order to be considered to be making satisfactory progress, pursuant to section 1091(a)(2) of this title;

(L) the completion or graduation rate of certificate- or degree-seeking, full-time, undergraduate students entering such institutions;

(M) the terms and conditions of the loans that students receive under parts B, C, and D;

(N) that enrollment in a program of study abroad approved for credit by the home insti-

tution may be considered enrollment in the home institution for purposes of applying for Federal student financial assistance;

(O) the campus crime report prepared by the institution pursuant to subsection (f) of this section, including all required reporting categories;

(P) institutional policies and sanctions related to copyright infringement, including—

(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

(ii) a summary of the penalties for violation of Federal copyright laws; and

(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system;

(Q) student body diversity at the institution, including information on the percentage of enrolled, full-time students who—

(i) are male;

(ii) are female;

(iii) receive a Federal Pell Grant; and

(iv) are a self-identified member of a major racial or ethnic group;

(R) the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, State data systems, or other relevant sources;

(S) the types of graduate and professional education in which graduates of the institution's four-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, State data systems, or other relevant sources;

(T) the fire safety report prepared by the institution pursuant to subsection (i);

(U) the retention rate of certificate- or degree-seeking, first-time, full-time, undergraduate students entering such institution; and

(V) institutional policies regarding vaccinations.

(2) For the purpose of this section, the term "prospective student" means any individual who has contacted an eligible institution requesting information concerning admission to that institution.

(3) In calculating the completion or graduation rate under subparagraph (L) of paragraph (1) of this subsection or under subsection (e) of this section, a student shall be counted as a completion or graduation if, within 150 percent of the normal time for completion of or graduation from the program, the student has completed or graduated from the program, or enrolled in any program of an eligible institution

for which the prior program provides substantial preparation. The information required to be disclosed under such subparagraph—

(A) shall be made available by July 1 each year to enrolled students and prospective students prior to the students enrolling or entering into any financial obligation; and

(B) shall cover the one-year period ending on August 31 of the preceding year.

(4) For purposes of this section, institutions may—

(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period during which such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.

(5) The Secretary shall permit any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection, to use such data to satisfy the requirements of this subsection.

(6) Each institution may provide supplemental information to enrolled and prospective students showing the completion or graduation rate for students described in paragraph (4) or for students transferring into the institution or information showing the rate at which students transfer out of the institution.

(7)(A)(i) Subject to clause (ii), the information disseminated under paragraph (1)(L), or reported under subsection (e), shall be disaggregated by gender, by each major racial and ethnic subgroup, by recipients of a Federal Pell Grant, by recipients of a loan made under part B or C (other than a loan made under section 1078-8 of this title or a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant, and by recipients of neither a Federal Pell Grant nor a loan made under part B or C (other than a loan made under section 1078-8 of this title or a Federal Direct Unsubsidized Stafford Loan), if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting will not reveal personally identifiable information about an individual student. If such number is not sufficient for such purposes, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.

(ii) The requirements of clause (i) shall not apply to two-year, degree-granting institutions

of higher education until academic year 2011-2012.

(B)(i) In order to assist two-year degree-granting institutions of higher education in meeting the requirements of paragraph (1)(L) and subsection (e), the Secretary, in consultation with the Commissioner for Education Statistics, shall, not later than 90 days after August 14, 2008, convene a group of representatives from diverse institutions of higher education, experts in the field of higher education policy, state<sup>1</sup> higher education officials, students, and other stakeholders in the higher education community, to develop recommendations regarding the accurate calculation and reporting of the information required to be disseminated or reported under paragraph (1)(L) and subsection (e) by two-year, degree-granting institutions of higher education. In developing such recommendations, the group of representatives shall consider the mission and role of two-year degree-granting institutions of higher education, and may recommend additional or alternative measures of student success for such institutions in light of the mission and role of such institutions.

(ii) The Secretary shall widely disseminate the recommendations required under this subparagraph to two-year, degree-granting institutions of higher education, the public, and the authorizing committees not later than 18 months after the first meeting of the group of representatives convened under clause (i).

(iii) The Secretary shall use the recommendations from the group of representatives convened under clause (i) to provide technical assistance to two-year, degree-granting institutions of higher education in meeting the requirements of paragraph (1)(L) and subsection (e).

(iv) The Secretary may modify the information required to be disseminated or reported under paragraph (1)(L) or subsection (e) by a two-year, degree-granting institution of higher education—

(I) based on the recommendations received under this subparagraph from the group of representatives convened under clause (i);

(II) to include additional or alternative measures of student success if the goals of the provisions of paragraph (1)(L) and subsection (e) can be met through additional means or comparable alternatives; and

(III) during the period beginning on August 14, 2008, and ending on June 30, 2011.

**(b) Exit counseling for borrowers**

(1)(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 1078-3 of this title or loans under section 1078-2 of this title made on behalf of a student) or made under part C (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made on behalf of a student) or made under part D of this subchapter prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from

such institution. The counseling required by this subsection shall include—

(i) information on the repayment plans available, including a description of the different features of each plan and sample information showing the average anticipated monthly payments, and the difference in interest paid and total payments, under each plan;

(ii) debt management strategies that are designed to facilitate the repayment of such indebtedness;

(iii) an explanation that the borrower has the options to prepay each loan, pay each loan on a shorter schedule, and change repayment plans;

(iv) for any loan forgiveness or cancellation provision of this subchapter and part C of subchapter I of chapter 34 of title 42, a general description of the terms and conditions under which the borrower may obtain full or partial forgiveness or cancellation of the principal and interest, and a copy of the information provided by the Secretary under section 1092(d) of this title;

(v) for any forbearance provision of this subchapter and part C of subchapter I of chapter 34 of title 42, a general description of the terms and conditions under which the borrower may defer repayment of principal or interest or be granted forbearance, and a copy of the information provided by the Secretary under section 1092(d) of this title;

(vi) the consequences of defaulting on a loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation;

(vii) information on the effects of using a consolidation loan under section 1078-3 of this title or a Federal Direct Consolidation Loan to discharge the borrower's loans under parts B, C, and D, including at a minimum—

(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

(II) the effects of consolidation on a borrower's underlying loan benefits, including grace periods, loan forgiveness, cancellation, and deferment opportunities;

(III) the option of the borrower to prepay the loan or to change repayment plans; and

(IV) that borrower benefit programs may vary among different lenders;

(viii) a general description of the types of tax benefits that may be available to borrowers; and

(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower's loans; and

(B) In the case of borrower who leaves an institution without the prior knowledge of the institution, the institution shall attempt to provide the information described in subparagraph (A) to the student in writing.

(2)(A) Each eligible institution shall require that the borrower of a loan made under part B, C, or D of this subchapter submit to the institution, during the exit interview required by this subsection—

<sup>1</sup> So in original. Probably should be capitalized.

(i) the borrower's expected permanent address after leaving the institution (regardless of the reason for leaving);

(ii) the name and address of the borrower's expected employer after leaving the institution;

(iii) the address of the borrower's next of kin; and

(iv) any corrections in the institution's records relating the borrower's name, address, social security number, references, and driver's license number.

(B) The institution shall, within 60 days after the interview, forward any corrected or completed information received from the borrower to the guaranty agency indicated on the borrower's student aid records.

(C) Nothing in this subsection shall be construed to prohibit an institution of higher education from utilizing electronic means to provide personalized exit counseling.

**(c) Financial assistance information personnel**

Each eligible institution shall designate an employee or group of employees who shall be available on a full-time basis to assist students or potential students in obtaining information as specified in subsection (a) of this section. The Secretary may, by regulation, waive the requirement that an employee or employees be available on a full-time basis for carrying out responsibilities required under this section whenever an institution in which the total enrollment, or the portion of the enrollment participating in programs under this subchapter and part C of subchapter I of chapter 34 of title 42 at that institution, is too small to necessitate such employee or employees being available on a full-time basis. No such waiver may include permission to exempt any such institution from designating a specific individual or a group of individuals to carry out the provisions of this section.

**(d) Departmental publication of descriptions of assistance programs**

(1) The Secretary shall make available to eligible institutions, eligible lenders, and secondary schools descriptions of Federal student assistance programs including the rights and responsibilities of student and institutional participants, in order to (A) assist students in gaining information through institutional sources, and (B) assist institutions in carrying out the provisions of this section, so that individual and institutional participants will be fully aware of their rights and responsibilities under such programs. In particular, such information shall include information to enable students and prospective students to assess the debt burden and monthly and total repayment obligations that will be incurred as a result of receiving loans of varying amounts under this subchapter and part C of subchapter I of chapter 34 of title 42. Such information shall also include information on the various payment options available for student loans, including income-sensitive and income-based repayment plans for loans made, insured, or guaranteed under part B and income-contingent and income-based repayment plans for loans made under part C. In addition, such

information shall include information to enable borrowers to assess the practical consequences of loan consolidation, including differences in deferment eligibility, interest rates, monthly payments, and finance charges, and samples of loan consolidation profiles to illustrate such consequences. The Secretary shall provide information concerning the specific terms and conditions under which students may obtain partial or total cancellation or defer repayment of loans for service, shall indicate (in terms of the Federal minimum wage) the maximum level of compensation and allowances that a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization. The Secretary shall also provide information on loan forbearance, including the increase in debt that results from capitalization of interest. Such information shall be provided by eligible institutions and eligible lenders at any time that information regarding loan availability is provided to any student.

(2) The Secretary, to the extent the information is available, shall compile information describing State and other prepaid tuition programs and savings programs and disseminate such information to States, eligible institutions, students, and parents in departmental publications.

(3) The Secretary, to the extent practicable, shall update the Department's Internet site to include direct links to databases that contain information on public and private financial assistance programs. The Secretary shall only provide direct links to databases that can be accessed without charge and shall make reasonable efforts to verify that the databases included in a direct link are not providing fraudulent information. The Secretary shall prominently display adjacent to any such direct link a disclaimer indicating that a direct link to a database does not constitute an endorsement or recommendation of the database, the provider of the database, or any services or products of such provider. The Secretary shall provide additional direct links to information resources from which students may obtain information about fraudulent and deceptive practices in the provision of services related to student financial aid.

(4) The Secretary shall widely publicize the location of the information described in paragraph (1) among the public, eligible institutions, and eligible lenders, and promote the use of such information by prospective students, enrolled students, families of prospective and enrolled students, and borrowers.

**(e) Disclosures required with respect to athletically related student aid**

(1) Each institution of higher education which participates in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 and is attended by students receiving athletically related student aid shall annually submit a report to the Secretary which contains—

(A) the number of students at the institution of higher education who received athletically

related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track, and all other sports combined;

(B) the number of students at the institution of higher education, broken down by race and sex;

(C) the completion or graduation rate for students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track and all other sports combined;

(D) the completion or graduation rate for students at the institution of higher education, broken down by race and sex;

(E) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following categories: basketball, football, baseball, cross country/track, and all other sports combined; and

(F) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education broken down by race and sex.

(2) When an institution described in paragraph (1) of this subsection offers a potential student athlete athletically related student aid, such institution shall provide to the student and the student's parents, guidance counselor, and coach the information contained in the report submitted by such institution pursuant to paragraph (1). If the institution is a member of a national collegiate athletic association that compiles graduation rate data on behalf of the association's member institutions that the Secretary determines is substantially comparable to the information described in paragraph (1), the distribution of the compilation of such data to all secondary schools in the United States shall fulfill the responsibility of the institution to provide information to a prospective student athlete's guidance counselor and coach.

(3) For purposes of this subsection, institutions may—

(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period during which such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.

(4) Each institution of higher education described in paragraph (1) may provide supplemental information to students and the Sec-

retary showing the completion or graduation rate when such completion or graduation rate includes students transferring into and out of such institution.

(5) The Secretary, using the reports submitted under this subsection, shall compile and publish a report containing the information required under paragraph (1) broken down by—

(A) individual institutions of higher education; and

(B) athletic conferences recognized by the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics.

(6) The Secretary shall waive the requirements of this subsection for any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection.

(7) The Secretary, in conjunction with the National Junior College Athletic Association, shall develop and obtain data on completion or graduation rates from two-year colleges that award athletically related student aid. Such data shall, to the extent practicable, be consistent with the reporting requirements set forth in this section.

(8) For purposes of this subsection, the term "athletically related student aid" means any scholarship, grant, or other form of financial assistance the terms of which require the recipient to participate in a program of intercollegiate athletics at an institution of higher education in order to be eligible to receive such assistance.

(9) The reports required by this subsection shall be due each July 1 and shall cover the 1-year period ending August 31 of the preceding year.

**(f) Disclosure of campus security policy and campus crime statistics**

(1) Each eligible institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42, other than a foreign institution of higher education, shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:

(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.

(B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(C) A statement of current policies concerning campus law enforcement, including—

- (i) the law enforcement authority of campus security personnel;
- (ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses; and
- (iii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies.

(D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(E) A description of programs designed to inform students and employees about the prevention of crimes.

(F) Statistics concerning the occurrence on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available—

- (i) of the following criminal offenses reported to campus security authorities or local police agencies:

- (I) murder;
- (II) sex offenses, forcible or nonforcible;
- (III) robbery;
- (IV) aggravated assault;
- (V) burglary;
- (VI) motor vehicle theft;
- (VII) manslaughter;
- (VIII) arson; and

(IX) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and

- (ii) of the crimes described in subclauses (I) through (VIII) of clause (i), of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice.

(G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.

(H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the

possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 1011i of this title.

(I) A statement advising the campus community where law enforcement agency information provided by a State under section 14071(j)<sup>2</sup> of title 42, concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to—

- (i) immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency;
- (ii) publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and
- (iii) test emergency response and evacuation procedures on an annual basis.

(2) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.

(3) Each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42, other than a foreign institution of higher education, shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.

(4)(A) Each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42, other than a foreign institution of higher education, that maintains a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department, including—

- (i) the nature, date, time, and general location of each crime; and
- (ii) the disposition of the complaint, if known.

(B)(i) All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection with-

<sup>2</sup> See References in Text note below.

in two business days of the initial report being made to the department or a campus security authority.

(ii) If new information about an entry into a log becomes available to a police or security department, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.

(iii) If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

(5) On an annual basis, each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42, other than a foreign institution of higher education, shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(F). The Secretary shall—

(A) review such statistics and report to the authorizing committees on campus crime statistics by September 1, 2000;

(B) make copies of the statistics submitted to the Secretary available to the public; and

(C) in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

(6)(A) In this subsection:

(i) The term “campus” means—

(I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

(II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

(ii) The term “noncampus building or property” means—

(I) any building or property owned or controlled by a student organization recognized by the institution; and

(II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

(iii) The term “public property” means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adja-

cent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes.

(B) In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.

(7) The statistics described in paragraph (1)(F) shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act. Such statistics shall not identify victims of crimes or persons accused of crimes.

(8)(A) Each institution of higher education participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42, other than a foreign institution of higher education, shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding—

(i) such institution’s campus sexual assault programs, which shall be aimed at prevention of sex offenses; and

(ii) the procedures followed once a sex offense has occurred.

(B) The policy described in subparagraph (A) shall address the following areas:

(i) Education programs to promote the awareness of rape, acquaintance rape, and other sex offenses.

(ii) Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, acquaintance rape, or other sex offenses, forcible or nonforcible.

(iii) Procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.

(iv) Procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement that—

(I) the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and

(II) both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.

(v) Informing students of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses.

(vi) Notification of students of existing counseling, mental health or student services for victims of sexual assault, both on campus and in the community.

(vii) Notification of students of options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

(C) Nothing in this paragraph shall be construed to confer a private right of action upon any person to enforce the provisions of this paragraph.

(9) The Secretary shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.

(10) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.

(11) The Secretary shall report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.

(12) For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur—

- (A) on campus;
- (B) in or on a noncampus building or property;
- (C) on public property; and
- (D) in dormitories or other residential facilities for students on campus.

(13) Upon a determination pursuant to section 1094(c)(3)(B) of this title that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 1094(c)(3)(B) of this title.

(14)(A) Nothing in this subsection may be construed to—

- (i) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or
- (ii) establish any standard of care.

(B) Notwithstanding any other provision of law, evidence regarding compliance or non-compliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(15) The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

(16) The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.

(17) Nothing in this subsection shall be construed to permit an institution, or an officer, employee, or agent of an institution, participating in any program under this subchapter and

part C of subchapter I of chapter 34 of title 42 to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of any provision of this subsection.

(18) This subsection may be cited as the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act”.

**(g) Data required**

**(1) In general**

Each coeducational institution of higher education that participates in any program under this subchapter and part C of subchapter I of chapter 34 of title 42, and has an intercollegiate athletic program, shall annually, for the immediately preceding academic year, prepare a report that contains the following information regarding intercollegiate athletics:

(A) The number of male and female full-time undergraduates that attended the institution.

(B) A listing of the varsity teams that competed in intercollegiate athletic competition and for each such team the following data:

(i) The total number of participants, by team, as of the day of the first scheduled contest for the team.

(ii) Total operating expenses attributable to such teams, except that an institution may also report such expenses on a per capita basis for each team and expenditures attributable to closely related teams such as track and field or swimming and diving, may be reported together, although such combinations shall be reported separately for men's and women's teams.

(iii) Whether the head coach is male or female and whether the head coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as head coaches shall be considered to be head coaches for the purposes of this clause.

(iv) The number of assistant coaches who are male and the number of assistant coaches who are female for each team and whether a particular coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as assistant coaches shall be considered to be assistant coaches for the purposes of this clause.

(C) The total amount of money spent on athletically related student aid, including the value of waivers of educational expenses, separately for men's and women's teams overall.

(D) The ratio of athletically related student aid awarded male athletes to athletically related student aid awarded female athletes.

(E) The total amount of expenditures on recruiting, separately for men's and women's teams overall.

(F) The total annual revenues generated across all men's teams and across all women's teams, except that an institution may also report such revenues by individual team.



(G) The average annual institutional salary of the head coaches of men's teams, across all offered sports, and the average annual institutional salary of the head coaches of women's teams, across all offered sports.

(H) The average annual institutional salary of the assistant coaches of men's teams, across all offered sports, and the average annual institutional salary of the assistant coaches of women's teams, across all offered sports.

(I)(i) The total revenues, and the revenues from football, men's basketball, women's basketball, all other men's sports combined and all other women's sports combined, derived by the institution from the institution's intercollegiate athletics activities.

(ii) For the purpose of clause (i), revenues from intercollegiate athletics activities allocable to a sport shall include (without limitation) gate receipts, broadcast revenues, appearance guarantees and options, concessions, and advertising, but revenues such as student activities fees or alumni contributions not so allocable shall be included in the calculation of total revenues only.

(J)(i) The total expenses, and the expenses attributable to football, men's basketball, women's basketball, all other men's sports combined, and all other women's sports combined, made by the institution for the institution's intercollegiate athletics activities.

(ii) For the purpose of clause (i), expenses for intercollegiate athletics activities allocable to a sport shall include (without limitation) grants-in-aid, salaries, travel, equipment, and supplies, but expenses such as general and administrative overhead not so allocable shall be included in the calculation of total expenses only.

## **(2) Special rule**

For the purposes of paragraph (1)(G), if a coach has responsibilities for more than one team and the institution does not allocate such coach's salary by team, the institution should divide the salary by the number of teams for which the coach has responsibility and allocate the salary among the teams on a basis consistent with the coach's responsibilities for the different teams.

## **(3) Disclosure of information to students and public**

An institution of higher education described in paragraph (1) shall make available to students and potential students, upon request, and to the public, the information contained in the report described in paragraph (1), except that all students shall be informed of their right to request such information.

## **(4) Submission; report; information availability**

(A) On an annual basis, each institution of higher education described in paragraph (1) shall provide to the Secretary, within 15 days of the date that the institution makes available the report under paragraph (1), the information contained in the report.

(B) The Secretary shall ensure that the reports described in subparagraph (A) are made available to the public within a reasonable period of time.

(C) Not later than 180 days after October 7, 1998, the Secretary shall notify all secondary schools in all States regarding the availability of the information made available under paragraph (1), and how such information may be accessed.

## **(5) "Operating expenses" defined**

For the purposes of this subsection, the term "operating expenses" means expenditures on lodging and meals, transportation, officials, uniforms and equipment.

## **(h) Transfer of credit policies**

### **(1) Disclosure**

Each institution of higher education participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 shall publicly disclose, in a readable and comprehensible manner, the transfer of credit policies established by the institution which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum—

(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

(B) a list of institutions of higher education with which the institution has established an articulation agreement.

### **(2) Rule of construction**

Nothing in this subsection shall be construed to—

(A) authorize the Secretary or the National Advisory Committee on Institutional Quality and Integrity to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

(C) limit the application of the General Education Provisions Act [20 U.S.C. 1221 et seq.]; or

(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

## **(i) Disclosure of fire safety standards and measures**

### **(1) Annual fire safety reports on student housing required**

Each eligible institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available:

- (i) the number of fires and the cause of each fire;
- (ii) the number of injuries related to a fire that result in treatment at a medical facility;
- (iii) the number of deaths related to a fire; and
- (iv) the value of property damage caused by a fire;

(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

(C) the number of regular mandatory supervised fire drills;

(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

(E) plans for future improvements in fire safety, if determined necessary by such institution.

### **(2) Report to the Secretary**

Each institution described in paragraph (1) shall, on an annual basis, submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(A).

### **(3) Current information to campus community**

Each institution described in paragraph (1) shall—

(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

(B) make annual reports to the campus community on such fires.

### **(4) Responsibilities of the Secretary**

The Secretary shall—

(A) make the statistics submitted under paragraph (1)(A) to the Secretary available to the public; and

(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

(i) identify exemplary fire safety policies, procedures, programs, and practices, including the installation, to the technical standards of the National Fire Protection Association, of fire detection, prevention, and protection technologies in student housing, dormitories, and other buildings;

(ii) disseminate the exemplary policies, procedures, programs and practices described in clause (i) to the Administrator of the United States Fire Administration;

(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

(iv) develop a protocol for institutions to review the status of their fire safety systems.

### **(5) Rules of construction**

Nothing in this subsection shall be construed to—

(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

(B) affect section 444 of the General Education Provisions Act [20 U.S.C. 1232g] (commonly known as the “Family Educational Rights and Privacy Act of 1974”) or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

(D) establish any standard of care.

### **(6) Compliance report**

The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary’s monitoring of such compliance.

### **(7) Evidence**

Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

### **(j) Missing person procedures**

#### **(1) Option and procedures**

Each institution of higher education that provides on-campus housing and participates in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 shall—

(A) establish a missing student notification policy for students who reside in on-campus housing that—

(i) informs each such student that such student has the option to identify an individual to be contacted by the institution not later than 24 hours after the time that the student is determined missing in accordance with official notification procedures established by the institution under subparagraph (B);

(ii) provides each such student a means to register confidential contact information in the event that the student is determined to be missing for a period of more than 24 hours;

(iii) advises each such student who is under 18 years of age, and not an emancipated individual, that the institution is required to notify a custodial parent or guardian not later than 24 hours after the time that the student is determined to be missing in accordance with such procedures;

(iv) informs each such residing student that the institution will notify the appro-

priate law enforcement agency not later than 24 hours after the time that the student is determined missing in accordance with such procedures; and

(v) requires, if the campus security or law enforcement personnel has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus, the institution to initiate the emergency contact procedures in accordance with the student's designation; and

(B) establish official notification procedures for a missing student who resides in on-campus housing that—

(i) includes procedures for official notification of appropriate individuals at the institution that such student has been missing for more than 24 hours;

(ii) requires any official missing person report relating to such student be referred immediately to the institution's police or campus security department; and

(iii) if, on investigation of the official report, such department determines that the missing student has been missing for more than 24 hours, requires—

(I) such department to contact the individual identified by such student under subparagraph (A)(i);

(II) if such student is under 18 years of age, and not an emancipated individual, the institution to immediately contact the custodial parent or legal guardian of such student; and

(III) if subclauses (I) or (II) do not apply to a student determined to be a missing person, inform the appropriate law enforcement agency.

## **(2) Rule of construction**

Nothing in this subsection shall be construed—

(A) to provide a private right of action to any person to enforce any provision of this subsection; or

(B) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability.

## **(k) Notice to students concerning penalties for drug violations**

### **(1) Notice upon enrollment**

Each institution of higher education shall provide to each student, upon enrollment, a separate, clear, and conspicuous written notice that advises the student of the penalties under section 1091(r) of this title.

### **(2) Notice after loss of eligibility**

An institution of higher education shall provide in a timely manner to each student who has lost eligibility for any grant, loan, or work-study assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 as a result of the penalties listed under section 1091(r)(1) of this title a separate, clear, and conspicuous written notice that notifies the student of the loss of eligibility and ad-

vises the student of the ways in which the student can regain eligibility under section 1091(r)(2) of this title.

## **(l) Entrance counseling for borrowers**

### **(1) Disclosure required prior to disbursement**

#### **(A) In general**

Each eligible institution shall, at or prior to the time of a disbursement to a first-time borrower of a loan made, insured, or guaranteed under part B (other than a loan made pursuant to section 1078-3 of this title or a loan made on behalf of a student pursuant to section 1078-2 of this title) or made under part C (other than a Federal Direct Consolidation Loan or a Federal Direct PLUS loan made on behalf of a student), ensure that the borrower receives comprehensive information on the terms and conditions of the loan and of the responsibilities the borrower has with respect to such loan in accordance with paragraph (2). Such information—

(i) shall be provided in a simple and understandable manner; and

(ii) may be provided—

(I) during an entrance counseling session conducted in person;

(II) on a separate written form provided to the borrower that the borrower signs and returns to the institution; or

(III) online, with the borrower acknowledging receipt of the information.

#### **(B) Use of interactive programs**

The Secretary shall encourage institutions to carry out the requirements of subparagraph (A) through the use of interactive programs that test the borrower's understanding of the terms and conditions of the borrower's loans under part B or C, using simple and understandable language and clear formatting.

### **(2) Information to be provided**

The information to be provided to the borrower under paragraph (1)(A) shall include the following:

(A) To the extent practicable, the effect of accepting the loan to be disbursed on the eligibility of the borrower for other forms of student financial assistance.

(B) An explanation of the use of the master promissory note.

(C) Information on how interest accrues and is capitalized during periods when the interest is not paid by either the borrower or the Secretary.

(D) In the case of a loan made under section 1078-2 or 1078-8 of this title, a Federal Direct PLUS Loan, or a Federal Direct Unsubsidized Stafford Loan, the option of the borrower to pay the interest while the borrower is in school.

(E) The definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment.

(F) An explanation of the importance of contacting the appropriate offices at the institution of higher education if the borrower

withdraws prior to completing the borrower's program of study so that the institution can provide exit counseling, including information regarding the borrower's repayment options and loan consolidation.

(G) Sample monthly repayment amounts based on—

(i) a range of levels of indebtedness of—  
(I) borrowers of loans under section 1078 or 1078-8 of this title; and

(II) as appropriate, graduate borrowers of loans under section 1078, 1078-2, or 1078-8 of this title; or

(ii) the average cumulative indebtedness of other borrowers in the same program as the borrower at the same institution.

(H) The obligation of the borrower to repay the full amount of the loan, regardless of whether the borrower completes or does not complete the program in which the borrower is enrolled within the regular time for program completion.

(I) The likely consequences of default on the loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation.

(J) Information on the National Student Loan Data System and how the borrower can access the borrower's records.

(K) The name of and contact information for the individual the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan.

**(m) Disclosures of reimbursements for service on advisory boards**

**(1) Disclosure**

Each institution of higher education participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 shall report, on an annual basis, to the Secretary, any reasonable expenses paid or provided under section 1650(d) of title 15 to any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other financial aid of the institution. Such reports shall include—

(A) the amount for each specific instance of reasonable expenses paid or provided;

(B) the name of the financial aid official, other employee, or agent to whom the expenses were paid or provided;

(C) the dates of the activity for which the expenses were paid or provided; and

(D) a brief description of the activity for which the expenses were paid or provided.

**(2) Report to Congress**

The Secretary shall summarize the information received from institutions of higher education under paragraph (1) in a report and transmit such report annually to the authorizing committees.

(Pub. L. 89-329, title IV, § 485, as added Pub. L. 99-498, title IV, § 407(a), Oct. 17, 1986, 100 Stat. 1482; amended Pub. L. 100-50, § 15(10), (11), June 3, 1987, 101 Stat. 357; Pub. L. 101-542, title I, §§ 103(a), (b), 104(a), title II, § 204(a), Nov. 8, 1990,

104 Stat. 2381-2385; Pub. L. 101-610, title II, §§ 201-203, Nov. 16, 1990, 104 Stat. 3171, 3172; Pub. L. 102-26, § 10(a)-(d), Apr. 9, 1991, 105 Stat. 128; Pub. L. 102-164, title VI, § 603, Nov. 15, 1991, 105 Stat. 1066; Pub. L. 102-325, title IV, § 486(a)-(c)(2), July 23, 1992, 106 Stat. 620, 621; Pub. L. 103-208, § 2(h)(28)-(37), (k)(9), Dec. 20, 1993, 107 Stat. 2477, 2486; Pub. L. 103-382, title III, § 360B(c), Oct. 20, 1994, 108 Stat. 3970; Pub. L. 104-208, div. A, title I, § 101(e) [title III, § 308], Sept. 30, 1996, 110 Stat. 3009-233, 3009-262; Pub. L. 105-18, title VI, § 60001(a), June 12, 1997, 111 Stat. 214; Pub. L. 105-244, title I, § 102(b)(3), title IV, § 486, Oct. 7, 1998, 112 Stat. 1622, 1741; Pub. L. 106-386, div. B, title VI, § 1601(c)(1), Oct. 28, 2000, 114 Stat. 1537; Pub. L. 110-315, title I, § 103(b)(11), title IV, § 488, title X, § 1011(c), Aug. 14, 2008, 122 Stat. 3090, 3293, 3482; Pub. L. 111-39, title IV, § 407(b)(5), July 1, 2009, 123 Stat. 1951; Pub. L. 113-4, title III, § 304(a), Mar. 7, 2013, 127 Stat. 89.)

**AMENDMENT OF SUBSECTION (f)**

*Pub. L. 113-4, title III, § 304, Mar. 7, 2013, 127 Stat. 89, provided that, effective with respect to the annual security report under subsection (f)(1) of this section prepared by an institution of higher education 1 calendar year after Mar. 7, 2013, and each subsequent calendar year, subsection (f) of this section is amended:*

*(1) in paragraph (1)(C)(iii), by substituting “, when the victim of such crime elects or is unable to make such a report.” for the period at end;*

*(2) in paragraph (1)(F)(i)(VIII), by striking “and” after the semicolon;*

*(3) in paragraph (1)(F)(ii), by substituting “national origin, sexual orientation, gender identity,” for “sexual orientation” and “; and” for the period at end;*

*(4) in paragraph (1)(F), by adding at the end “(iii) of domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies.”;*

*(5) in paragraph (3), by inserting “, that withholds the names of victims as confidential,” after “that is timely”;*

*(6) in paragraph (6)(A), by redesignating clauses (i) to (iii) as (ii) to (iv), respectively, and adding the following new clauses: “(i) The terms ‘dating violence’, ‘domestic violence’, and ‘stalking’ have the meaning given such terms in section 13925(a) of title 42.” and “(v) The term ‘sexual assault’ means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.”;*

*(7) in paragraph (7), by substituting “clauses (i) and (ii) of paragraph (1)(F)” for “paragraph (1)(F)” and inserting “For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in section 13925(a) of title 42.” after “Hate Crime Statistics Act.”;*

*(8) by striking paragraph (8) and adding the following new paragraph (8):*

*“(8)(A) Each institution of higher education participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 and title IV of the Economic Opportunity Act of 1964, other than a foreign institution of higher education, shall develop and distribute as part of the*

report described in paragraph (1) a statement of policy regarding—

“(i) such institution’s programs to prevent domestic violence, dating violence, sexual assault, and stalking; and

“(ii) the procedures that such institution will follow once an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from such a report.

“(B) The policy described in subparagraph (A) shall address the following areas:

“(i) Education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include—

“(I) primary prevention and awareness programs for all incoming students and new employees, which shall include—

“(aa) a statement that the institution of higher education prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;

“(bb) the definition of domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction;

“(cc) the definition of consent, in reference to sexual activity, in the applicable jurisdiction;

“(dd) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;

“(ee) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and

“(ff) the information described in clauses (ii) through (vii); and

“(II) ongoing prevention and awareness campaigns for students and faculty, including information described in items (aa) through (ff) of subclause (I).

“(ii) Possible sanctions or protective measures that such institution may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.

“(iii) Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about—

“(I) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;

“(II) to whom the alleged offense should be reported;

“(III) options regarding law enforcement and campus authorities, including notification of the victim’s option to—

“(aa) notify proper law enforcement authorities, including on-campus and local police;

“(bb) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and

“(cc) decline to notify such authorities; and

“(IV) where applicable, the rights of victims and the institution’s responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

“(iv) Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which shall include a clear statement that—

“(I) such proceedings shall—

“(aa) provide a prompt, fair, and impartial investigation and resolution; and

“(bb) be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

“(II) the accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and

“(III) both the accuser and the accused shall be simultaneously informed, in writing, of—

“(aa) the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;

“(bb) the institution’s procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding;

“(cc) of any change to the results that occurs prior to the time that such results become final; and

“(dd) when such results become final.

“(v) Information about how the institution will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

“(vi) Written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

“(vii) Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

“(C) A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee’s rights and options, as described in clauses (ii) through (vii) of subparagraph (B).”;

(9) in paragraph (9), by substituting “The Secretary, in consultation with the Attorney General of the United States,” for “The Secretary”;

(10) by striking paragraph (16) and adding the following new paragraph (16):

“(16)(A) The Secretary shall seek the advice and counsel of the Attorney General of the United States concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.

“(B) The Secretary shall seek the advice and counsel of the Attorney General of the United States and the Secretary of Health and Human Services concerning the development, and dissemination to institutions of higher education, of best practices information about preventing and responding to incidents of domestic violence, dating violence, sexual assault, and stalking, including elements of institutional policies that have proven successful based on evidence-based outcome measurements.”; and

(11) by striking paragraph (17) and adding the following new paragraph (17):

“(17) No officer, employee, or agent of an institution participating in any program under this title shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this subsection.”

See 2013 Amendment notes below.

#### REFERENCES IN TEXT

Section 14071 of title 42, referred to in subsec. (f)(1)(I), was repealed by Pub. L. 109-248, title I, §129(a), July 27, 2006, 120 Stat. 600.

The Hate Crime Statistics Act, referred to in subsec. (f)(7), is Pub. L. 101-275, Apr. 23, 1990, 104 Stat. 140, which is set out as a note under section 534 of Title 28, Judiciary and Judicial Procedure.

The General Education Provisions Act, referred to in subsec. (h)(2)(C), is title IV of Pub. L. 90-247, Jan. 2, 1968, 81 Stat. 814, which is classified generally to chapter 31 (§1221 et seq.) of this title. For complete classification of this Act to the Code, see section 1221 of this title and Tables.

Section 264 of the Health Insurance Portability and Accountability Act of 1996, referred to in subsec. (i)(5)(B), is section 264 of title II of Pub. L. 104-191, Aug. 21, 1996, 110 Stat. 2033, which is set out as a note under section 1320d-2 of Title 42, The Public Health and Welfare.

#### PRIOR PROVISIONS

A prior section 1092, Pub. L. 89-329, title IV, §485, as added Pub. L. 96-374, title IV, §451(a), Oct. 3, 1980, 94 Stat. 1449, related to provision of institutional and financial assistance information for students, prior to the general revision of this part by Pub. L. 99-498.

Another prior section 1092, Pub. L. 89-329, title V, §508, formerly §502, Nov. 8, 1965, 79 Stat. 1255; renumbered §508 and amended Pub. L. 90-35, §§2(b), 7, June 29, 1967, 81 Stat. 82, 93, prohibited the making of payments for religious purposes for authorized programs, prior to repeal by Pub. L. 94-482, title I, §151(a)(2), Oct. 12, 1976, 90 Stat. 2151.

#### AMENDMENTS

2013—Subsec. (f)(1)(C)(iii). Pub. L. 113-4, §304(a)(1)(A), substituted “, when the victim of such crime elects or is unable to make such a report.” for period at end.

Subsec. (f)(1)(F)(i)(VIII). Pub. L. 113-4, §304(a)(1)(B)(i), struck out “and” after semicolon.

Subsec. (f)(1)(F)(ii). Pub. L. 113-4, §304(a)(1)(B)(ii)(I), substituted “national origin, sexual orientation, gender identity,” for “sexual orientation”.

Subsec. (f)(1)(F)(iii). Pub. L. 113-4, §304(a)(1)(B)(ii)(II), (iii), added cl. (iii).

Subsec. (f)(3). Pub. L. 113-4, §304(a)(2), inserted “, that withholds the names of victims as confidential,” after “that is timely”.

Subsec. (f)(6)(A). Pub. L. 113-4, §304(a)(3), added cls. (i) and (v) and redesignated former cls. (i) to (iii) as (ii) to (iv), respectively.

Subsec. (f)(7). Pub. L. 113-4, §304(a)(4), substituted “clauses (i) and (ii) of paragraph (1)(F)” for “paragraph (1)(F)” and inserted “For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in section 13925(a) of title 42.” after “Hate Crime Statistics Act.”

Subsec. (f)(8). Pub. L. 113-4, §304(a)(5), added par. (8) and struck out former par. (8) which related to development of statements of policy regarding campus sexual assault programs by institutions of higher education.

Subsec. (f)(9). Pub. L. 113-4, §304(a)(6), substituted “The Secretary, in consultation with the Attorney General of the United States,” for “The Secretary”.

Subsec. (f)(16). Pub. L. 113-4, §304(a)(7), added par. (16) and struck out former par. (16) which read as follows: “The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.”

Subsec. (f)(17). Pub. L. 113-4, §304(a)(8), added par. (17) and struck out former par. (17) which read as follows: “Nothing in this subsection shall be construed to permit an institution, or an officer, employee, or agent of an institution, participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of any provision of this subsection.”

2009—Subsec. (a)(1). Pub. L. 111-39, §407(b)(5)(A)(i)(I), substituted “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’” for “also referred to as the Family Educational Rights and Privacy Act of 1974” in introductory provisions.

Subsec. (a)(1)(I). Pub. L. 111-39, §407(b)(5)(A)(i)(II), substituted “students with disabilities” for “handicapped students”.

Subsec. (a)(4)(B). Pub. L. 111-39, §407(b)(5)(A)(ii), inserted “during which” after “time period”.

Subsec. (a)(7)(B)(iv). Pub. L. 111-39, §407(b)(5)(A)(iii), inserted “education” after “higher” in introductory provisions.

Subsec. (e)(3)(B). Pub. L. 111-39, §407(b)(5)(B), inserted “during which” after “time period”.

Subsec. (f)(1). Pub. L. 111-39, §407(b)(5)(C), inserted “of” after “foreign institution” in introductory provisions.

Subsec. (f)(3), (4)(A), (5), (8)(A). Pub. L. 111-39, §407(b)(5)(C)(ii), substituted “under this subchapter and part C of subchapter I of chapter 34 of title 42, other than a foreign institution of higher education,” for “under this subchapter and part C of subchapter I of chapter 34 of title 42”.

Subsec. (g)(2). Pub. L. 111-39, §407(b)(5)(D), substituted “paragraph (1)(G)” for “subparagraph (G)”.

Subsec. (i)(2), (3). Pub. L. 111-39, §407(b)(5)(E)(i), (ii), substituted “institution described in paragraph (1)” for “eligible institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42”.

Subsec. (i)(5)(B). Pub. L. 111-39, §407(b)(5)(E)(iii), substituted “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’” for “the Family Educational Rights and Privacy Act of 1974”.

Subsec. (k)(2). Pub. L. 111-39, §407(b)(5)(F), inserted “section” before “1091(r)(1)”.

Subsec. (l)(1)(A). Pub. L. 111-39, §407(b)(5)(G), substituted “paragraph (2)” for “subparagraph (B)” in introductory provisions.

2008—Subsec. (a)(1)(G)(iv). Pub. L. 110-315, §488(a)(1)(A), added cl. (iv).

Subsec. (a)(1)(M). Pub. L. 110-315, §488(a)(1)(B), added subpar. (M) and struck out former subpar. (M) which

read as follows: “the terms and conditions under which students receiving guaranteed student loans under part B of this subchapter or direct student loans under part D of this subchapter, or both, may—

“(i) obtain deferral of the repayment of the principal and interest for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) or under the Domestic Volunteer Service Act of 1973, or for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness in the field of community service, and

“(ii) obtain partial cancellation of the student loan for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) under the Domestic Volunteer Service Act of 1973 or, for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness in the field of community service;”.

Subsec. (a)(1)(P) to (V). Pub. L. 110-315, § 488(a)(1)(C)–(E), added subpars. (P) to (V).

Subsec. (a)(4). Pub. L. 110-315, § 488(a)(2), added par. (4) and struck out former par. (4) which read as follows: “For purposes of this section, institutions may exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the armed services, on official church missions, or with a recognized foreign aid service of the Federal Government.”

Subsec. (a)(7). Pub. L. 110-315, § 488(a)(3), added par. (7).

Subsec. (b)(1)(A). Pub. L. 110-315, § 488(b), which directed the general amendment of subpar. (A), with the new subpar. (A) including a subsec. (b) designation and heading and par. (1) designation, was executed by substituting the new subpar. (A) without the added subsec. (b) designation and heading and par. (1) designation for the existing subpar. (A), to reflect the probable intent of Congress. Prior to amendment, subpar. (A) read as follows: “Each eligible institution shall, through financial aid officers or otherwise, make available counseling to borrowers of loans which are made, insured, or guaranteed under part B (other than loans made pursuant to section 1078-2 of this title) of this subchapter or made under part C or D of this subchapter prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

“(i) the average anticipated monthly repayments, a review of the repayment options available, and such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness; and

“(ii) the terms and conditions under which the student may obtain partial cancellation or defer repayment of the principal and interest pursuant to sections 1078(b), 1087dd(c)(2), and 1087ee of this title.”

Subsec. (d)(1). Pub. L. 110-315, § 488(c)(1), inserted “Such information shall also include information on the various payment options available for student loans, including income-sensitive and income-based repayment plans for loans made, insured, or guaranteed under part B and income-contingent and income-based repayment plans for loans made under part C.” before “In addition, such information” and “The Secretary shall also provide information on loan forbearance, including the increase in debt that results from capitalization of interest.” before “Such information shall be provided”.

Subsec. (d)(4). Pub. L. 110-315, § 488(c)(2), added par. (4).

Subsec. (e)(3). Pub. L. 110-315, § 488(d), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “For purposes of this subsection, institutions may exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the armed services, on official church mis-

sions, or with a recognized foreign aid service of the Federal Government.”

Subsec. (f)(1). Pub. L. 110-315, § 488(e)(1)(A), inserted “, other than a foreign institution higher education,” after “chapter 34 of title 42” in introductory provisions.

Subsec. (f)(1)(C)(i) to (iii). Pub. L. 110-315, § 488(e)(1)(B), added cls. (i) to (iii) and struck out former cls. (i) and (ii) which read as follows:

“(i) the enforcement authority of security personnel, including their working relationship with State and local police agencies; and

“(ii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies.”

Subsec. (f)(1)(F)(ii). Pub. L. 110-315, § 488(e)(1)(C), substituted “clause (i), of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of” for “clause (i), and” and inserted a comma after “any person”.

Subsec. (f)(1)(J). Pub. L. 110-315, § 488(e)(1)(D), added subpar. (J).

Subsec. (f)(5)(A). Pub. L. 110-315, § 103(b)(11), substituted “authorizing committees” for “Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate”.

Subsec. (f)(15) to (18). Pub. L. 110-315, § 488(e)(2), (3), added pars. (15) to (17) and redesignated former par. (15) as (18).

Subsec. (g)(4)(B) to (D). Pub. L. 110-315, § 488(f), redesignated subpars. (C) and (D) as (B) and (C), respectively, struck out “and the report to Congress described in subparagraph (B)” after “subparagraph (A)” in subpar. (B) and “the information reported under subparagraph (B) and” after “availability of” in subpar. (C), and struck out former subpar. (B) which read as follows: “The Secretary shall prepare a report regarding the information received under subparagraph (A) and submit such report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate by April 1, 2000. The report shall—

“(i) summarize the information and identify trends in the information;

“(ii) aggregate the information by divisions of the National Collegiate Athletic Association; and

“(iii) contain information on each individual institution of higher education.”

Subsecs. (h) to (l). Pub. L. 110-315, § 488(g), added subsecs. (h) to (l).

Subsec. (m). Pub. L. 110-315, § 1011(c), added subsec. (m).

2000—Subsec. (f)(1)(I). Pub. L. 106-386 added subpar. (I).

1998—Subsec. (a)(1). Pub. L. 105-244, § 486(a)(1)(B), in introductory provisions, inserted after second sentence “Each eligible institution shall, on an annual basis, provide to all enrolled students a list of the information that is required to be provided by institutions to students by this section and section 1232g of this title, together with a statement of the procedures required to obtain such information.”

Pub. L. 105-244, § 486(a)(1)(A), in introductory provisions, substituted “upon request, through appropriate publications, mailings, and electronic media, to an enrolled student and to any prospective student” for “, through appropriate publications and mailings, to all current students, and to any prospective student upon request”.

Subsec. (a)(1)(F). Pub. L. 105-244, § 486(a)(1)(C), amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “a statement of the refund policy of the institution, as determined under section 1091b of this title, for the return of unearned tuition and fees or other refundable portion of cost, as described in subparagraph (E) of this paragraph, which refunds shall be credited in the following order:

“(i) to outstanding balances on loans under part B of this subchapter for the period of enrollment for which a refund is required,

“(ii) to outstanding balances on loans under part C of this subchapter for the period of enrollment for which a refund is required,

“(iii) to outstanding balances on loans under part D of this subchapter for the period of enrollment for which a refund is required,

“(iv) to awards under subpart 1 of part A of this subchapter,

“(v) to awards under subpart 3 of part A of this subchapter,

“(vi) to other student assistance, and

“(vii) to the student;”.

Subsec. (a)(1)(O). Pub. L. 105-244, § 486(a)(1)(D)–(F), added subpar. (O).

Subsec. (a)(3)(A). Pub. L. 105-244, § 486(a)(2), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “shall, for any academic year beginning more than 270 days after the Secretary first prescribes final regulations pursuant to such subparagraph (L), be made available to current and prospective students prior to enrolling or entering into any financial obligation; and”.

Subsec. (a)(6). Pub. L. 105-244, § 486(a)(3), added par. (6).

Subsec. (b)(1)(A). Pub. L. 105-244, § 486(b)(1), struck out “(individually or in groups)” after “counseling to borrowers” in introductory provisions.

Subsec. (b)(2)(C). Pub. L. 105-244, § 486(b)(2), added subpar. (C).

Subsec. (d). Pub. L. 105-244, § 486(c), designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and added pars. (2) and (3).

Subsec. (e)(2). Pub. L. 105-244, § 486(d)(1), substituted “the student’s parents, guidance” for “his parents, his guidance” and inserted at end “If the institution is a member of a national collegiate athletic association that compiles graduation rate data on behalf of the association’s member institutions that the Secretary determines is substantially comparable to the information described in paragraph (1), the distribution of the compilation of such data to all secondary schools in the United States shall fulfill the responsibility of the institution to provide information to a prospective student athlete’s guidance counselor and coach.”

Subsec. (e)(9). Pub. L. 105-244, § 486(d)(2), amended par. (9) generally. Prior to amendment, par. (9) read as follows: “This subsection shall not be effective until the first July 1 that follows, by more than 270 days, the date on which the Secretary first prescribes final regulations pursuant to this subsection. The reports required by this subsection shall be due on that July 1 and each succeeding July 1 and shall cover the 1-year period ending August 31 of the preceding year.”

Subsec. (f)(1)(F). Pub. L. 105-244, § 486(e)(1)(A), amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “Statistics concerning the occurrence on campus, during the most recent calendar year, and during the 2 preceding calendar years for which data are available, of the following criminal offenses reported to campus security authorities or local police agencies—

“(i) murder;

“(ii) sex offenses, forcible or nonforcible;

“(iii) robbery;

“(iv) aggravated assault;

“(v) burglary; and

“(vi) motor vehicle theft.”

Subsec. (f)(1)(H). Pub. L. 105-244, § 486(e)(1)(B), (C), redesignated subpar. (I) as (H) and struck out former subpar. (H) which read as follows: “Statistics concerning the number of arrests for the following crimes occurring on campus:

“(i) liquor law violations;

“(ii) drug abuse violations; and

“(iii) weapons possessions.”

Subsec. (f)(1)(I). Pub. L. 105-244, § 486(e)(1)(C), redesignated subpar. (I) as (H).

Pub. L. 105-244, § 102(b)(3), substituted “section 1011i” for “section 1145g”.

Subsec. (f)(4). Pub. L. 105-244, § 486(e)(6), added par. (4). Former par. (4) redesignated (5).

Pub. L. 105-244, § 486(e)(2)(A), which directed the substitution of “On an annual basis, each” for “Upon request of the Secretary, each” was executed by making the substitution for “Upon the request of the Secretary, each” to reflect the probable intent of Congress.

Pub. L. 105-244, § 486(e)(2)(B), substituted “paragraph (1)(F)” for “paragraphs (1)(F) and (1)(H)”.

Subsec. (f)(4)(A). Pub. L. 105-244, § 486(e)(2)(C)–(E), substituted “and the Workforce” for “and Labor” and “2000” for “1995” and struck out “and” at end.

Subsec. (f)(4)(B), (C). Pub. L. 105-244, § 486(e)(2)(F), (G), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (f)(5). Pub. L. 105-244, § 486(e)(5), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (f)(5)(A). Pub. L. 105-244, § 486(e)(3), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “For purposes of this subsection, the term ‘campus’ includes—

“(i) any building or property owned or controlled by the institution of higher education within the same reasonably contiguous geographic area and used by the institution in direct support of, or related to its educational purposes; or

“(ii) any building or property owned or controlled by student organizations recognized by the institution.”

Subsec. (f)(6). Pub. L. 105-244, § 486(e)(5), redesignated par. (5) as (6). Former par. (6) redesignated (7).

Pub. L. 105-244, § 486(e)(4), substituted “paragraph (1)(F)” for “paragraphs (1)(F) and (1)(H)” and inserted at end “Such statistics shall not identify victims of crimes or persons accused of crimes.”

Subsec. (f)(7), (8). Pub. L. 105-244, § 486(e)(5), redesignated pars. (6) and (7) as (7) and (8), respectively.

Subsec. (f)(9) to (15). Pub. L. 105-244, § 486(e)(7), added pars. (9) to (15).

Subsec. (g)(1)(I), (J). Pub. L. 105-244, § 486(f)(1), added subpars. (I) and (J).

Subsec. (g)(4), (5). Pub. L. 105-244, § 486(f)(2)–(4), added par. (4), redesignated former par. (4) as (5), and struck out heading and text of former par. (5). Text read as follows: “The Secretary shall issue final regulations to implement the requirements of this subsection not later than 180 days following October 20, 1994. Each institution described in paragraph (1) shall make available its first report pursuant to this section not later than October 1, 1996.”

1997—Subsec. (a)(3)(B). Pub. L. 105-18, § 60001(a)(1), substituted “August 31” for “June 30”.

Subsec. (e)(9). Pub. L. 105-18, § 60001(a)(2), substituted “August 31” for “August 30”.

1996—Subsec. (e)(9). Pub. L. 104-208 substituted “August 30” for “June 30”.

1994—Subsec. (g). Pub. L. 103-382 added subsec. (g).

1993—Subsec. (a)(1)(F)(i) to (iii). Pub. L. 103-208, § 2(h)(28), inserted before comma at end “for the period of enrollment for which a refund is required”.

Subsec. (a)(1)(F)(iv). Pub. L. 103-208, § 2(h)(29), inserted “under” after “awards”.

Subsec. (a)(1)(F)(vi). Pub. L. 103-208, § 2(h)(32), redesignated cl. (vii) as (vi) and struck out former cl. (vi) which read as follows: “to awards under part C of subchapter I of chapter 34 of title 42.”

Subsec. (a)(1)(F)(vii). Pub. L. 103-208, § 2(h)(32), redesignated cl. (viii) as (vii). Former cl. (vii) redesignated (vi).

Pub. L. 103-208, § 2(h)(30), struck out “provided under this subchapter and part C of subchapter I of chapter 34 of title 42” after “student assistance”.

Subsec. (a)(1)(F)(viii). Pub. L. 103-208, § 2(h)(32), redesignated cl. (viii) as (vii).

Pub. L. 103-208, § 2(h)(31), struck out period after “student”.

Subsec. (a)(1)(L). Pub. L. 103-208, § 2(k)(9), amended directory language of Pub. L. 102-325, § 486(a)(3). See 1992 Amendment note below.

Pub. L. 103-208, § 2(h)(33), inserted comma after “full-time”.



Subsec. (a)(3)(A). Pub. L. 103-208, §2(h)(34), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “shall be available beginning on July 1, 1993, and each year thereafter to current and prospective students prior to enrolling or entering into any financial obligation; and”.

Subsec. (b)(1)(A), (2)(A). Pub. L. 103-208, §2(h)(35), substituted “under part” for “under parts”.

Subsec. (d). Pub. L. 103-208, §2(h)(36), inserted period at end of penultimate sentence.

Subsec. (e)(9). Pub. L. 103-208, §2(h)(37), added subpar. (9).

1992—Subsec. (a)(1)(F). Pub. L. 102-325, §486(a)(1), inserted “, as determined under section 1091b of this title,” after “of the institution” and “, which refunds shall be credited in the following order:” after “of this paragraph” and added cls. (i) to (viii).

Subsec. (a)(1)(K). Pub. L. 102-325, §486(a)(2), struck out “and” at end.

Subsec. (a)(1)(L). Pub. L. 102-325, §486(a)(4), redesignated subpar. (L), relating to deferral or partial cancellation of student loans, as (M).

Pub. L. 102-325, §486(a)(3), as amended by Pub. L. 103-208, §2(k)(9), amended subpar. (L), relating to completion or graduation rate, by substituting semicolon for period at end.

Subsec. (a)(1)(M). Pub. L. 102-325, §486(a)(4), (5), redesignated subpar. (L), relating to deferral or partial cancellation of student loans, as (M) and substituted “; and” for period at end.

Subsec. (a)(1)(N). Pub. L. 102-325, §486(a)(6), added subpar. (N).

Subsec. (b). Pub. L. 102-325, §486(b), amended subsec. (b) generally, making changes in substance and structure of former text which related to exit counseling for borrowers and borrower information.

Subsec. (f)(1)(F). Pub. L. 102-325, §486(c)(1), amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “Statistics concerning the occurrence on campus, during the most recent calendar year, and during the 2 preceding calendar years for which data are available, of the following criminal offenses reported to campus security authorities or local police agencies—

- “(i) murder;
- “(ii) rape;
- “(iii) robbery;
- “(iv) aggravated assault;
- “(v) burglary; and
- “(vi) motor vehicle theft.”

Subsec. (f)(7). Pub. L. 102-325, §486(c)(2), added par. (7). 1991—Subsec. (a)(1)(L). Pub. L. 102-26, §10(a), which directed the insertion of “undergraduate” after “full-time” in subpar. (L), was executed to the subpar. (L) added by Pub. L. 101-542, §103(a), relating to completion or graduation rate, to reflect the probable intent of Congress.

Subsec. (a)(3)(A) to (C). Pub. L. 102-26, §10(b), inserted “and” at end of subpar. (A), substituted a period for “; and” at end of subpar. (B), and struck out subpar. (C) which read as follows: “shall be updated not less than biennially.”

Subsec. (a)(5). Pub. L. 102-26, §10(c), added par. (5).

Subsec. (b). Pub. L. 102-164 substituted “Exit counseling for borrowers; borrower information” for “Exit counseling for borrowers” in heading and inserted at end “Each eligible institution shall require that the borrower of a loan made under part B, part C, or part D of this subchapter submit to the institution, during the exit interview required by this subsection, the borrower’s expected permanent address after leaving the institution, regardless of the reason for leaving; the name and address of the borrower’s expected employer after leaving the institution; and the address of the borrower’s next of kin. In the case of a loan made under part B of this subchapter, the institution shall then submit this information to the holder of the loan.”

Subsec. (f)(1). Pub. L. 102-26, §10(d), substituted “August 1, 1991,” for “September 1, 1991,” in introductory provisions, and in subpar. (F) substituted “calendar

year” and “calendar years” for “school year” and “school years”, respectively.

1990—Subsec. (a)(1)(L). Pub. L. 101-610, §201, added subpar. (L) relating to deferral or partial cancellation of student loans.

Pub. L. 101-542, §103(a), added subpar. (L) relating to completion or graduation rate.

Subsec. (a)(3), (4). Pub. L. 101-542, §103(b), added pars. (3) and (4).

Subsec. (b)(3). Pub. L. 101-610, §202, added par. (3).

Subsec. (d). Pub. L. 101-610, §203, inserted before last sentence “The Secretary shall provide information concerning the specific terms and conditions under which students may obtain partial or total cancellation or defer repayment of loans for service, shall indicate (in terms of the Federal minimum wage) the maximum level of compensation and allowances that a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization”.

Subsec. (e). Pub. L. 101-542, §104(a), added subsec. (e).

Subsec. (f). Pub. L. 101-542, §204(a), added subsec. (f).

1987—Subsec. (b). Pub. L. 100-50, §15(10), inserted “(other than loans made pursuant to section 1078-2 of this title)” after “part B of this subchapter”.

Subsec. (d). Pub. L. 100-50, §15(11), inserted after second sentence “In addition, such information shall include information to enable borrowers to assess the practical consequences of loan consolidation, including differences in deferment eligibility, interest rates, monthly payments, and finance charges, and samples of loan consolidation profiles to illustrate such consequences.”

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113-4, title III, §304(b), Mar. 7, 2013, 127 Stat. 92, provided that: “The amendments made by this section [amending this section] shall take effect with respect to the annual security report under section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)) prepared by an institution of higher education 1 calendar year after the date of enactment of this Act [Mar. 7, 2013], and each subsequent calendar year.”

#### 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 2000 AMENDMENT

Pub. L. 106-386, div. B, title VI, §1601(c)(2), Oct. 28, 2000, 114 Stat. 1538, provided that: “The amendment made by this subsection [amending this section] shall take effect 2 years after the date of the enactment of this Act [Oct. 28, 2000].”

#### 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 1997 AMENDMENT

Pub. L. 105-18, title VI, §60001(b), June 12, 1997, 111 Stat. 214, provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) [amending this section] are effective upon enactment [June 12, 1997].

“(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) [amending this section] before July 1, 1998.”

#### 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 486(a), (b), and (c)(2) of Pub. L. 102-325 effective July 23, 1992, except that changes relating to disclosures effective with respect to periods of enrollment beginning on or after July 1, 1993, see section 498 of Pub. L. 102-325, set out as a note under section 1088 of this title.

Pub. L. 102-325, title IV, §486(c)(3), July 23, 1992, 106 Stat. 622, provided that: “The amendment made by this subsection to subparagraph (F)(ii) of section 485(f)(1) of the Act [20 U.S.C. 1092(f)(1)(F)(ii)] shall be effective with respect to reports made pursuant to such section on or after September 1, 1993. The statistics required by subparagraph (F) of such section shall—

“(A) in the report required on September 1, 1992, include statistics concerning the occurrence on campus of offenses during the period from August 1, 1991, to July 31, 1992;

“(B) in the report required on September 1, 1993, include statistics concerning the occurrence on campus of offenses during (i) the period from August 1, 1991, to December 31, 1991, and (ii) the calendar year 1992;

“(C) in the report required on September 1, 1994, include statistics concerning the occurrence on campus of offenses during (i) the period from August 1, 1991, to December 31, 1991, and (ii) the calendar years 1992 and 1993; and

“(D) in the report required on September 1 of 1995 and each succeeding year, include statistics concerning the occurrence on campus of offenses during the three calendar years preceding the year in which the report is made.”

#### EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-542, title I, §104(b), Nov. 8, 1990, 104 Stat. 2384, as amended by Pub. L. 102-26, §10(e), Apr. 9, 1991, 105 Stat. 128, provided that: “The report to the Secretary of Education required by the amendments made by this section [amending this section] shall be due on July 1, 1993, and annually thereafter, and shall cover the one-year period ending on June 30 of the preceding year.”

Pub. L. 101-542, title II, §204(c), Nov. 8, 1990, 104 Stat. 2387, provided that: “The amendments made by this section [amending this section] shall take effect on September 1, 1991, except that the requirement of section 485(f)(1)(F) and (H) of the Higher Education Act of 1965 [subsec. (f)(1)(F), (H) of this section] (as added by this section) shall be applied to require statistics with respect to school years preceding the date of enactment of this Act [Nov. 8, 1990] only to the extent that data concerning such years is reasonably available.”

#### 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

Section effective Oct. 17, 1986, except as otherwise provided, see section 2 of Pub. L. 99-498, set out as a note under section 1001 of this title.

Subsec. (b) of this section applicable only to periods of enrollment beginning on or after July 1, 1987, see section 407(b) of Pub. L. 99-498, set out as a note under section 1091 of this title.

#### REGULATIONS

Pub. L. 101-542, title IV, §401(a), Nov. 8, 1990, 104 Stat. 2388, provided that: “The Secretary is authorized to issue regulations to carry out the provisions of this Act [amending this section and sections 1085, 1094, and 1232g of this title and enacting provisions set out as notes under this section and section 1001 of this title].”

#### MODEL INSTITUTION FINANCIAL AID OFFER FORM

Pub. L. 110-315, title IV, §484, Aug. 14, 2008, 122 Stat. 3286, provided that:

“(a) MODEL FORMAT.—The Secretary of Education shall—

“(1) not later than six months after the date of enactment of the Higher Education Opportunity Act [Aug. 14, 2008], convene a group of students, families of students, secondary school guidance counselors, representatives of institutions of higher education (including financial aid administrators, registrars, and business officers), and nonprofit consumer groups for the purpose of offering recommendations for improvements that—

“(A) can be made to financial aid offer forms; and

“(B) include the information described in subsection (b);

“(2) develop a model format for financial aid offer forms based on the recommendations of the group; and

“(3) not later than one year after the date of enactment of the Higher Education Opportunity Act—

“(A) submit recommendations to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003); and

“(B) make the recommendations and model format widely available.

“(b) CONTENTS.—The recommendations developed under subsection (a) for model financial aid offer forms shall include, in a consumer-friendly manner that is simple and understandable, the following:

“(1) Information on the student’s cost of attendance, including the following:

“(A) Tuition and fees.

“(B) Room and board costs.

“(C) Books and supplies.

“(D) Transportation.

“(2) The amount of financial aid that the student does not have to repay, such as scholarships, grants, and work-study assistance, offered to the student for such year, and the conditions of such financial aid.

“(3) The types and amounts of loans under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.) for which the student is eligible for such year, and the applicable terms and conditions of such loans.

“(4) The net amount that the student, or the student’s family on behalf of the student, will have to pay for the student to attend the institution for such year, equal to—

“(A) the cost of attendance for the student for such year; minus

“(B) the amount of financial aid described in paragraphs (2) and (3) that is offered in the financial aid offer form.

“(5) Where a student or the student’s family can seek additional information regarding the financial aid offered.

“(6) Any other information the Secretary of Education determines necessary so that students and parents can make informed student loan borrowing decisions.”

#### CONGRESSIONAL FINDINGS

Pub. L. 103-382, title III, §360B(b), Oct. 20, 1994, 108 Stat. 3969, provided that: “The Congress finds that—

“(1) participation in athletic pursuits plays an important role in teaching young Americans how to work on teams, handle challenges and overcome obstacles;

“(2) participation in athletic pursuits plays an important role in keeping the minds and bodies of young Americans healthy and physically fit;

“(3) there is increasing concern among citizens, educators, and public officials regarding the athletic opportunities for young men and women at institutions of higher education;

“(4) a recent study by the National Collegiate Athletic Association found that in Division I-A institu-

tions, only 20 percent of the average athletic department operations budget of \$1,310,000 is spent on women's athletics; 15 percent of the average recruiting budget of \$318,402 is spent on recruiting female athletes; the average scholarship expenses for men is \$1,300,000 and \$505,246 for women; and an average of 143 grants are awarded to male athletes and 59 to women athletes;

"(5) female college athletes receive less than 18 percent of the athletics recruiting dollar and less than 24 percent of the athletics operating dollar;

"(6) male college athletes receive approximately \$179,000,000 more per year in athletic scholarship grants than female college athletes;

"(7) prospective students and prospective student athletes should be aware of the commitments of an institution to providing equitable athletic opportunities for its men and women students; and

"(8) knowledge of an institution's expenditures for women's and men's athletic programs would help prospective students and prospective student athletes make informed judgments about the commitments of a given institution of higher education to providing equitable athletic benefits to its men and women students."

Pub. L. 101-542, title I, §102, Nov. 8, 1990, 104 Stat. 2381, provided that: "The Congress finds that—

"(1) education is fundamental to the development of individual citizens and the progress of the Nation as a whole;

"(2) there is increasing concern among citizens, educators, and public officials regarding the academic performance of students at institutions of higher education;

"(3) a recent study by the National Institute of Independent Colleges and Universities found that just 43 percent of students attending 4-year public colleges and universities and 54 percent of students entering private institutions graduated within 6 years of enrolling;

"(4) the academic performance of student athletes, especially student athletes receiving football and basketball scholarships, has been a source of great concern in recent years;

"(5) more than 10,000 athletic scholarships are provided annually by institutions of higher education;

"(6) prospective students and prospective student athletes should be aware of the educational commitments of an institution of higher education; and

"(7) knowledge of graduation rates would help prospective students and prospective student athletes make an informed judgment about the educational benefits available at a given institution of higher education."

Pub. L. 101-542, title II, §202, Nov. 8, 1990, 104 Stat. 2384, provided that: "The Congress finds that—

"(1) the reported incidence of crime, particularly violent crime, on some college campuses has steadily risen in recent years;

"(2) although annual 'National Campus Violence Surveys' indicate that roughly 80 percent of campus crimes are committed by a student upon another student and that approximately 95 percent of the campus crimes that are violent are alcohol- or drug-related, there are currently no comprehensive data on campus crimes;

"(3) out of 8,000 postsecondary institutions participating in Federal student aid programs, only 352 colleges and universities voluntarily provide crime statistics directly through the Uniform Crime Report of the Federal Bureau of Investigation, and other institutions report data indirectly, through local police agencies or States, in a manner that does not permit campus statistics to be separated;

"(4) several State legislatures have adopted or are considering legislation to require reporting of campus crime statistics and dissemination of security practices and procedures, but the bills are not uniform in their requirements and standards;

"(5) students and employees of institutions of higher education should be aware of the incidence of

crime on campus and policies and procedures to prevent crime or to report occurrences of crime;

"(6) applicants for enrollment at a college or university, and their parents, should have access to information about the crime statistics of that institution and its security policies and procedures; and

"(7) while many institutions have established crime preventive measures to increase the safety of campuses, there is a clear need—

"(A) to encourage the development on all campuses of security policies and procedures;

"(B) for uniformity and consistency in the reporting of crimes on campus; and

"(C) to encourage the development of policies and procedures to address sexual assaults and racial violence on college campuses."

#### IMPROVING REPAYMENT OPTIONS FOR FEDERAL STUDENT LOAN BORROWERS

Memorandum of President of the United States, June 7, 2012, 77 F.R. 35241, provided:

Memorandum for the Secretary of Education [and] the Secretary of the Treasury

More individuals than ever before are using student loans to finance college. Nearly two-thirds of college graduates borrow to pay for college, with an average debt upon graduation of about \$26,300. While a college education remains an excellent investment, this debt can be overly burdensome, especially for recent graduates during the first few years of their careers.

The Income-Based Repayment (IBR) plan for Federal student loans currently allows former students to cap their student loan payments at 15 percent of their current discretionary income. This plan can be an effective tool for helping individuals to manage their debt, especially during challenging economic times.

Over the past several years, my Administration has worked to improve repayment options available to borrowers, including through passage of an enhanced Income-Based Repayment plan, which will cap a Federal student loan borrower's monthly payments at 10 percent of his or her discretionary income starting in 2014. And we are pursuing administrative action that may extend these lower payments to some students as soon as the end of this calendar year.

However, too few borrowers are aware of the options available to them to help manage their student loan debt, including reducing their monthly payment through IBR. Additionally, too many borrowers have had difficulties navigating and completing the IBR application process once they have started it.

For many borrowers, the most significant challenge in completing the IBR application has been the income-verification process, which, until recently, required borrowers to provide a signed copy of their income tax return. Although the Department of Education has recently removed some of the hurdles to completing the process, too many borrowers are still struggling to access this important repayment option due to difficulty in applying.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

SECTION 1. *Streamlined Application Process for Income-Based Repayment Plans.* By September 30, 2012, the Secretary of Education, in coordination with the Commissioner of Internal Revenue, shall create a streamlined online application process for IBR that allows student loan borrowers with federally held loans to import their Internal Revenue Service income data directly into the IBR application. This process will allow income information to be seamlessly transmitted so that borrowers can complete the application at one sitting. Federal direct student loan borrowers shall no longer be required to contact their loan servicer as the first step to apply.

SEC. 2. *Integrated Online and Mobile Resources for Loan Repayment Options and Debt Management.* By July 15, 2012, the Secretary of Education shall:

(a) create integrated online and mobile resources for students and former students to use in learning about

Federal student aid, including an explanation of (1) the current IBR plan, which allows student loan borrowers to cap their monthly loan payments at 15 percent of their discretionary income and be eligible to have their remaining loan balances forgiven after 25 years of responsible payments; and (2) the proposed Pay As You Earn plan, which will allow many students to cap their monthly loan repayments at 10 percent of their discretionary income and be eligible for loan forgiveness after 20 years of responsible repayment; and

(b) develop and make available to borrowers an online tool to help students make better financial decisions, including understanding their loan debt and its impact on their everyday lives. This tool should incorporate key elements of best practices in financial literacy and link to students' actual Federal loan data to help them understand their individual circumstances and options for repayment.

SEC. 3. *Improved Notification of the Income-Based Repayment Plan.* The Secretary of Education shall instruct Federal direct student loan servicers to make borrowers aware of the option to participate in IBR before a student leaves school and upon entering repayment. Within 1 year of the date of this memorandum, the Department of Education shall make available, for institutions of higher education, a model exit counseling module that will enable students to understand their repayment options before leaving school and to choose a repayment plan for their student loans that best meets their needs.

SEC. 4. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Secretary of Education is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

## § 1092a. Combined payment plan

### (a) Eligibility for plan

Upon the request of the borrower, a lender described in subparagraph (A), (B), or (C) of section 1078-3(a)(1) of this title, or an eligible lender as defined in section 719 of the Public Health Service Act (42 U.S.C. 292o) may, with respect to a consolidation loan made under section 1078-3 of this title (and section 1087-2(o) of this title as in effect prior to the enactment of section 1078-3 of this title) and loans guaranteed under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.), offer a combined payment plan under which the lender shall submit one bill to the borrower for the repayment of all such loans for the monthly or other similar period of repayment.

### (b) Applicability of other requirements

A lender offering a combined payment plan shall comply with all provisions of section 1078-3 of this title applicable to loans consolidated or to be consolidated and shall comply with all provisions of part A of title VII of the Public

Health Service Act (42 U.S.C. 292 et seq.) applicable to loans under that subpart which are made part of the combined payment plan, except that a lender offering a combined payment plan under this section may offer consolidation loans pursuant to section 1078-3(b)(1)(A) of this title if such lender holds any outstanding loan of a borrower which is selected for inclusion in a combined payment plan.

### (c) Lender eligibility

Such lender may offer a combined payment plan only if—

(1) the lender holds an outstanding loan of that borrower which is selected by the borrower for incorporation into a combined payment plan pursuant to this section (including loans which are selected by the borrower for consolidation under this section); or

(2) the borrower certifies that the borrower has sought and has been unable to obtain a combined payment plan from the holders of the outstanding loans of that borrower.

### (d) Borrower selection of competing offers

In the case of multiple offers by lenders to administer a combined payment plan for a borrower, the borrower shall select from among them the lender to administer the combined payment plan including its loan consolidation component.

### (e) Effect of plan

Upon selection of a lender to administer the combined payment plan, the lender may reissue any loan under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) selected by the borrower for incorporation in the combined payment plan which is not held by such lender and the proceeds of such reissued loan shall be paid by the lender to the holder or holders of the loans so selected to discharge the liability on such loans, if—

(1) the lender selected to administer the combined payment plan has determined to its satisfaction, in accordance with reasonable and prudent business practices, for each loan being reissued (A) that the loan is a legal, valid, and binding obligation of the borrower; (B) that each such loan was made and serviced in compliance with applicable laws and regulations; and (C) the insurance on such loan is in full force and effect; and

(2) the loan being reissued was not in default (as defined in section 707(e)(3) of the Public Health Service Act [42 U.S.C. 292f(e)(3)]) at the time the request for a combined payment plan is made.

### (f) Notes and insurance certificates

(1) Each loan reissued under subsection (e) of this section shall be evidenced by a note executed by the borrower. The Secretary of Health and Human Services shall insure such loan under a certificate of comprehensive insurance with no insurance limit, but any such certificate shall only be issued to an authorized holder of loans insured under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) (including the Student Loan Marketing Association). Such certificates shall provide that all loans reissued under this section shall be fully