

## § 682.100

- 682.603 Certification by a participating school in connection with a loan application.
- 682.604 Processing the borrower's loan proceeds and counseling borrowers.
- 682.605 Determining the date of a student's withdrawal.
- 682.606 [Reserved]
- 682.607 Payment of a refund or a return of title IV, HEA program funds to a lender upon a student's withdrawal.
- 682.608 Termination of a school's lending eligibility.
- 682.609 Remedial actions.
- 682.610 Administrative and fiscal requirements for participating schools.
- 682.611 Foreign schools.

### **Subpart G—Limitation, Suspension, or Termination of Lender or Third-party Servicer Eligibility and Disqualification of Lenders and Schools**

- 682.700 Purpose and scope.
- 682.701 Definitions of terms used in this subpart.
- 682.702 Effect on participation.
- 682.703 Informal compliance procedure.
- 682.704 Emergency action.
- 682.705 Suspension proceedings.
- 682.706 Limitation or termination proceedings.
- 682.707 Appeals in a limitation or termination proceeding.
- 682.708 Evidence of mailing and receipt dates.
- 682.709 Reimbursements, refunds, and offsets.
- 682.710 Removal of limitation.
- 682.711 Reinstatement after termination.
- 682.712 Disqualification review of limitation, suspension, and termination actions taken by guarantee agencies against lenders.
- 682.713 Disqualification review of limitation, suspension, and termination actions taken by guarantee agencies against a school.

### **Subpart H—Special Allowance Payments on Loans Made or Purchased With Proceeds of Tax-Exempt Obligations**

- 682.800 Prohibition against discrimination as a condition for receiving special allowance payments.

APPENDIXES A–B TO PART 682 [RESERVED]

APPENDIX C TO PART 682—PROCEDURES FOR CURING VIOLATIONS OF THE DUE DILIGENCE IN COLLECTION AND TIMELY FILING OF CLAIMS REQUIREMENTS APPLICABLE TO FISLP AND FEDERAL PLUS PROGRAM LOANS AND FOR REPAYMENT OF INTEREST AND SPECIAL ALLOWANCE OVERBILLINGS [BULLETIN L-77A]

APPENDIX D TO PART 682—POLICY FOR WAIVING THE SECRETARY'S RIGHT TO RE-

## 34 CFR Ch. VI (7–1–07 Edition)

COVER OR REFUSE TO PAY INTEREST BENEFITS, SPECIAL ALLOWANCE, AND REINSURANCE ON STAFFORD, PLUS, SUPPLEMENTAL LOANS FOR STUDENTS, AND CONSOLIDATION PROGRAM LOANS INVOLVING LENDERS' VIOLATIONS OF FEDERAL REGULATIONS PERTAINING TO DUE DILIGENCE IN COLLECTION OR TIMELY FILING OF CLAIMS [BULLETIN 88-G-138]

AUTHORITY: 20 U.S.C. 1071 to 1087–2, unless otherwise noted.

SOURCE: 57 FR 60323, Dec. 18, 1992, unless otherwise noted.

### **Subpart A—Purpose and Scope**

#### **§ 682.100 The Federal Family Education Loan programs.**

(a) This part governs the following four programs collectively referred to in these regulations as “the Federal Family Education Loan (FFEL) programs,” in which lenders use their own funds to make loans to enable a student or his or her parents to pay the costs of the student's attendance at postsecondary schools:

(1) The Federal Stafford Loan (Stafford) Program, which encourages making loans to undergraduate, graduate, and professional students.

(2) The Federal Supplemental Loans for Students (SLS) Program, as in effect for periods of enrollment that began prior to July 1, 1994, which encouraged making loans to graduate, professional, independent undergraduate, and certain dependent undergraduate students.

(3) The Federal PLUS (PLUS) Program, which encourages making loans to parents of dependent undergraduate students. Before October 17, 1986, the PLUS Program also provided for making loans to graduate, professional, and independent undergraduate students. Before July 1, 1993, the PLUS Program also provided for making loans to parents of dependent graduate students. The PLUS Program also provides for making loans to graduate and professional students on or after July 1, 2006.

(4) The Federal Consolidation Loan Program (Consolidation Loan Program), which encourages making loans to borrowers for the purpose of consolidating loans: under the Federal Insured Student Loan (FISL), Stafford loan, SLS, ALAS (as in effect before October

17, 1986), PLUS, Perkins Loan programs, the Health Professions Student Loan (HPSL) including Loans for Disadvantaged Students (LDS) Program authorized by subpart II of part A of Title VII of the Public Health Services Act, Health Education Assistance Loans (HEAL) authorized by subpart I of Part A of Title VII of the Health Services Act, Nursing Student Loan Program loans authorized by subpart II of part B of title VIII of the Public Health Service Act, and existing loans obtained under the Consolidation Loan Program, and William D. Ford Direct Loan (Direct Loan) program loans, if the application for the Consolidation loan was received on or after November 13, 1997.

(b)(1) Except for the loans guaranteed directly by the Secretary described in paragraph (b)(2) of this section, a guaranty agency guarantees a lender against losses due to default by the borrower on a FFEL loan. If the guaranty agency meets certain Federal requirements, the guaranty agency is reimbursed by the Secretary for all or part of the amount of default claims it pays to lenders.

(2)(i) The Secretary guarantees lenders against losses—

(A) Within the Stafford Loan Program, on loans made under Federal Insured Student Loan (FISL) Program;

(B) Within the PLUS Program, on loans made under the Federal PLUS Program;

(C) Within the SLS Program, on loans made under the Federal SLS Program as in effect for periods of enrollment that began prior to July 1, 1994; and

(D) Within the Consolidation Loan Program, on loans made under the Federal Consolidation Loan Program.

(ii) The loan programs listed in paragraph (b)(2)(i) of this section collectively are referred to in these regulations as the “Federal Guaranteed Student Loan (GSL) programs.”

(iii) The Federal GSL programs are authorized to operate in States not served by a guaranty agency program. In addition, the FISL and Federal SLS (as in effect for periods of enrollment that began prior to July 1, 1994) programs are authorized, under limited circumstances, to operate in States in

which a guaranty agency program does not serve all eligible students.

(Authority: 20 U.S.C. 1701 to 1087-2)

[57 FR 60323, Dec. 18, 1992, as amended at 59 FR 33348, June 28, 1994; 59 FR 61215, Nov. 29, 1994; 64 FR 18974, 18975, Apr. 16, 1999; 64 FR 58952, Nov. 1, 1999; 66 FR 34762, June 29, 2001; 71 FR 45698, Aug. 9, 2006]

**§ 682.101 Participation in the FFEL programs.**

(a) Eligible banks, savings and loan associations, credit unions, pension funds, insurance companies, schools, and State and private nonprofit agencies may make loans.

(b) Institutions of higher education, including most colleges, universities, graduate and professional schools, and many vocational, technical schools may participate as schools, enabling an eligible student or his or her parents to obtain a loan to pay for the student’s cost of education.

(c) Students who meet certain requirements, including enrollment at a participating school, may borrow under the Stafford Loan and, for periods of enrollment that began prior to July 1, 1994, the SLS program. Parents of eligible dependent undergraduate students may borrow under the PLUS Program. Borrowers with outstanding Stafford, SLS, FISL, Perkins, HPSL, HEAL, ALAS, PLUS, or Nursing Student Loan Program loans may borrow under the Consolidation Loan Program. The PLUS Program also provides for making loans to graduate and professional students on or after July 1, 2006.

(Authority: 20 U.S.C. 1071 to 1087-2)

[57 FR 60323, Dec. 18, 1992, as amended at 59 FR 61215, Nov. 29, 1994; 64 FR 18975, Apr. 16, 1999; 66 FR 34762, June 29, 2001; 71 FR 45698, Aug. 9, 2006; 71 FR 64397, Nov. 1, 2006]

**§ 682.102 Obtaining and repaying a loan.**

(a) *Stafford loan application.* Generally, to obtain a Stafford loan a student requests a loan by completing the Free Application for Federal Student Aid (FAFSA), and contacting the school, lender or guarantor. The school determines and certifies the student’s eligibility for the loan. Prior to loan disbursement, the lender obtains a loan guarantee from a guaranty agency or