

**Issue 3**  
**Proposed Regulatory Language**  
**Team II - School-based Loan Issues**

**Origin:** HEOA section 1011

**Issue:** Disclosures of Reimbursements for  
Service on Advisory Boards

**Statutory cites:** HEA section 485(m)

**Regulatory cites:** New §668.16(d)

**DCL GEN-08-12 cite:** Page 102

**Summary of issue:** The HEOA adds a new requirement that an institution participating in any Title IV program report annually to the Secretary, any reasonable expenses paid or provided under section 140(d) of the Truth in Lending Act to any employee who is employed in the financial aid office, or who otherwise has responsibilities with respect to education loans or other financial aid of the institution. The report must include:

- the amount of each specific instance of reasonable expenses paid or provided;
- the name of the financial aid official, other employee, or agent to whom the expenses were paid or provided;
- the dates of the activity for which the expenses were paid or provided; and

- a brief description of the activity for which the expenses were paid or provided.

The Secretary must summarize the information received from institutions in an annual report to Congress.

**Regulatory language:**

**§ 668.16 Standards of administrative capability.**

To begin and to continue to participate in any Title IV, HEA program, an institution shall demonstrate to the Secretary that the institution is capable of adequately administering that program under each of the standards established in this section. The Secretary considers an institution to have that administrative capability if the institution—

(a) Administers the Title IV, HEA programs in accordance with all statutory provisions of or applicable to Title IV of the HEA, all applicable regulatory provisions prescribed under that statutory authority, and all applicable special arrangements, agreements, and limitations entered into under the authority of statutes applicable to Title IV of the HEA;

\* \* \* \* \*

(d) (1) Establishes and maintains records required under this part and the individual Title IV, HEA program regulations; and

(2) (A) Reports annually to the Secretary on any reasonable reimbursements paid or provided under section 140(d) of the Truth in Lending Act (15 U.S.C. \_\_\_\_\_) 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, including--

(i) The amount for each specific instance of reasonable expenses paid or provided;

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

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

(iv) A brief description of the activity for which the expenses were paid or provided.

(B) The expenses are considered to be reasonable if the expenses--

(i) Are paid in accordance with a State policy; or

(ii) Are paid in accordance with the applicable Federal cost principles, if no State policy exists that is applicable to the entity.

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(Approved by the Office of Management and Budget under control number 1840-0537)

(Authority: 20 U.S.C. 1082, 1985, 1094, and 1099c)

[59 FR 22431, Apr. 29, 1994, as amended at 59 FR 34964, July 7, 1994; 59 FR 61180, Nov. 29, 1994; 60 FR 34431, June 30, 1995; 60 FR 42408, Aug. 15, 1995; 61 FR 60603, Nov. 29, 1996; 62 FR 27128, May 16, 1997; 63 FR 40624, July 29, 1998; 64 FR 59038, Nov. 1, 1999; 65 FR 65637, Nov. 1, 2000]