

Stat. 1453; amended Pub. L. 97-35, title V, §537(a)(2), Aug. 13, 1981, 95 Stat. 456, related to administrative expenses, prior to the general revision of this part by Pub. L. 99-498.

## AMENDMENTS

2009—Subsec. (a). Pub. L. 111-39 substituted “has referred under section 1087cc(a)(4)(B)” for “has agreed to assign under section 1087cc(a)(6)(B)” and “1091(g)” for “1091(h)”.

2008—Subsec. (b)(1). Pub. L. 110-315 substituted “administering” for “offsetting the administrative costs of”.

1993—Subsec. (a). Pub. L. 103-208, §2(k)(6), repealed Pub. L. 102-325, §446(c). See 1992 Amendment note below.

Pub. L. 103-208, §2(h)(44), substituted “1091(h) of this title” for “1091(c) of this title”.

1992—Subsec. (a). Pub. L. 102-325, §493(a)(3), substituted “subpart 3” for “subpart 2” in two places.

Pub. L. 102-325, §493(a)(1), (2), struck out “(other than section 2756a of title 42)” before “, or under part D” in second sentence and struck out fourth sentence which read as follows: “The payment for a fiscal year for the purpose of subsection (b) of this section with respect to section 2756a of title 42 shall be payable from each allotment under part C of subchapter I of chapter 34 of title 42 in accordance with regulations of the Secretary, and shall be 10 percent of the institution’s expenditures during such fiscal year under such section.”

Pub. L. 102-325, §446(c), which directed amendment identical to amendment by Pub. L. 102-325, §493(a)(1), (2), above, was repealed by Pub. L. 103-208, §2(k)(6).

Subsec. (b). Pub. L. 102-325, §493(b), designated existing provisions as par. (1) and added par. (2).

1987—Subsec. (a). Pub. L. 100-50 made technical amendment to reference to section 2756a of title 42 to correct reference to corresponding section of original Act, requiring no change in text.

1986—Subsec. (a). Pub. L. 99-603 inserted provision directing the Secretary to pay the costs incurred by institutions of higher education in implementing and operating the immigration status verification system under section 1091(c) of this title.

## 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 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 446(c) of Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of this title.

Amendment by section 493 of Pub. L. 102-325, relating to payments for administrative expenses, applicable with respect to funds provided for award years beginning on or after July 1, 1993, see section 498(7) of Pub. L. 102-325, set out as a note under section 1088 of this title.

## 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 OF 1986 AMENDMENT

Amendment by Pub. L. 99-603 effective Oct. 1, 1987, see section 121(c)(2) of Pub. L. 99-603, set out as a note

under section 502 of Title 42, The Public Health and Welfare.

**§ 1096a. Repealed. Pub. L. 102-325, title IV, § 494, July 23, 1992, 106 Stat. 631**

Section, Pub. L. 89-329, title IV, § 489A, as added Pub. L. 102-164, title VI, § 606, Nov. 15, 1991, 105 Stat. 1068, related to data matching.

**§ 1097. Criminal penalties**

**(a) In general**

Any person who knowingly and willfully embezzles, misapplies, steals, obtains by fraud, false statement, or forgery, or fails to refund any funds, assets, or property provided or insured under this subchapter and part C of subchapter I of chapter 34 of title 42 or attempts to so embezzle, misapply, steal, obtain by fraud, false statement or forgery, or fail to refund any funds, assets, or property, shall be fined not more than \$20,000 or imprisoned for not more than 5 years, or both, except if the amount so embezzled, misapplied, stolen, obtained by fraud, false statement, or forgery, or failed to be refunded does not exceed \$200, then the fine shall not be more than \$5,000 and imprisonment shall not exceed one year, or both.

**(b) Assignment of loans**

Any person who knowingly and willfully makes any false statement, furnishes any false information, or conceals any material information in connection with the assignment of a loan which is made or insured under this subchapter and part C of subchapter I of chapter 34 of title 42 or attempts to so make any false statement, furnish any false information, or conceal any material information in connection with such assignment shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than one year, or both.

**(c) Inducements to lend or assign**

Any person who knowingly and willfully makes an unlawful payment to an eligible lender under part B of this subchapter or attempts to make such unlawful payment as an inducement to make, or to acquire by assignment, a loan insured under such part shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than one year, or both.

**(d) Obstruction of justice**

Any person who knowingly and willfully destroys or conceals any record relating to the provision of assistance under this subchapter and part C of subchapter I of chapter 34 of title 42 or attempts to so destroy or conceal with intent to defraud the United States or to prevent the United States from enforcing any right obtained by subrogation under this part, shall upon conviction thereof, be fined not more than \$20,000 or imprisoned not more than 5 years, or both.

(Pub. L. 89-329, title IV, § 490, as added Pub. L. 99-498, title IV, § 407(a), Oct. 17, 1986, 100 Stat. 1491; amended Pub. L. 102-325, title IV, § 495, July 23, 1992, 106 Stat. 631.)

## PRIOR PROVISIONS

A prior section 1097, Pub. L. 89-329, title IV, § 490, as added Pub. L. 96-374, title IV, § 451(a), Oct. 3, 1980, 94