

No. 1977-99

AN ACT

HB 1655

Amending the act of August 7, 1963 (P.L. 549, No. 290), entitled, as amended, "An act creating the Pennsylvania Higher Education Assistance Agency; defining its powers and duties; conferring powers and imposing duties on the Governor, President Pro Tempore of the Senate, Speaker of the House of Representatives, Superintendent of Public Instruction and the Department of Auditor General; and making appropriations," changing the powers and duties of the board.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause (9) of section 4, act of August 7, 1963 (P.L. 549, No. 290), entitled, as amended, "An act creating the Pennsylvania Higher Education Assistance Agency; defining its powers and duties; conferring powers and imposing duties on the Governor, President Pro Tempore of the Senate, Speaker of the House of Representatives, Superintendent of Public Instruction and the Department of Auditor General; and making appropriations," added November 19, 1969 (P.L. 298, No. 125), is amended and the section is amended by adding clauses to read:

Section 4. Powers and Duties.—In furtherance of the purposes set forth in this act, the board of directors shall have the following powers:

* * *

(9) To conduct investigations to determine whether applications or income tax *and other* data submitted to the agency contain any misrepresentations or false statements made for the purpose of cheating or defrauding. Whoever, by any false pretense, knowingly and with intent to defraud, procures, obtains, *or attempts to obtain*, or aids, assists, or abets, in obtaining *or attempting to obtain* from or through the Pennsylvania Higher Education Assistance Agency any moneys, scholarship awards, educational assistance grants, loans or loan guarantees *shall be liable to the agency for an amount equal to three times the amount obtained.* [is guilty of a felony, and on conviction, shall be sentenced to pay a fine not exceeding five thousand dollars (\$5,000), or undergo imprisonment for a period not exceeding five years, or both.]

(10) *To establish an investigation unit which shall have the power and duty to:*

(i) *investigate alleged violations of all criminal statutes related to fraud or a breach of fiduciary obligation committed by any person who has obtained or attempted to obtain, or aids, assists, or abets in obtaining or attempting to obtain, scholarship awards, educational assistance grants, loans or loan guarantees or other moneys from the agency; and*

(ii) *work in conjunction with the appropriate prosecuting authorities*

in the prosecution of cases where it is determined that evidence of criminal activity exists. In the enforcement of criminal statutes related to fraud or a breach of fiduciary obligation under this clause, the staff of the investigation unit shall have the powers of law enforcement officers.

(11) To execute by writ of execution upon wages, salaries or commissions in the hands of an employer or any other person in order to enforce money judgments for the repayment of loans authorized, serviced, made or guaranteed under this act: Provided, however, That such power of execution may not be assigned to any other person or agency nor be employed for any other purpose by the agency. Such power of execution may be exercised at the discretion of the agency, but under no circumstances may an amount in excess of ten percent of the pay of an obligor be subject to execution during any given pay period.

Section 2. This act shall take effect immediately.

APPROVED—The 21st day of December, A. D. 1977.

MILTON J. SHAPP