

116TH CONGRESS
2D SESSION

S. 1387

AN ACT

To amend the Higher Education Act of 1965 in order to improve the service obligation verification process for TEACH Grant recipients, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Consider Teachers
3 Act”.

4 **SEC. 2. TEACH GRANTS.**

5 Section 420N of the Higher Education Act of 1965
6 (20 U.S.C. 1070g–2) is amended—

7 (1) in subsection (b)(1)—

8 (A) in subparagraph (A), by inserting “(re-
9 ferred to in this section as the ‘service obliga-
10 tion window’)” after “under this subpart”;

11 (B) in subparagraph (C)(vii), by inserting
12 “or geographic area” after “field”; and

13 (C) by striking subparagraphs (D) and (E)
14 and inserting the following:

15 “(D) submit a certification of employment
16 by the chief administrative officer of the school
17 in accordance with subsection (d)(5); and

18 “(E) meet all State certification require-
19 ments for teaching (which may include meeting
20 such requirements through a certification ob-
21 tained through alternative routes to teaching);”;

22 (2) in subsection (c)—

23 (A) by striking “In the event” and insert-
24 ing the following:

25 “(1) IN GENERAL.—In the event”; and

26 (B) by adding at the end the following:

1 “(2) RECONSIDERATION OF CONVERSION DECISIONS.—

2 “(A) REQUEST TO RECONSIDER.—In any

3 case where the Secretary has determined that a

4 recipient of a grant under this subpart has

5 failed or refused to comply with the service obligation in the agreement under subsection (b)

6 and has converted the grant into a Federal Direct Unsubsidized Stafford Loan under part D

7 in accordance with paragraph (1), the recipient

8 may request that the Secretary reconsider such

9 initial determination and may submit additional

10 information to demonstrate satisfaction of the

11 service obligation. Upon receipt of such a request, the Secretary shall reconsider the determination in accordance with this paragraph not

12 later than 90 days after the date that such request was received.

13 “(B) RECONSIDERATION.—If, in reconsidering an initial determination under subparagraph (A), the Secretary determines that the

14 reason for such determination was the recipient’s failure to timely submit a certification required under subsection (b)(1)(D) (as in effect

15 on the day before the date of enactment of the

Consider Teachers Act), an error or processing delay by the Secretary, a change to the fields considered eligible for fulfillment of the service obligation (as described in subsection (b)(1)(C)), a recipient having previously requested to have the TEACH Grant converted to a loan, or another valid reason determined by the Secretary, and that the recipient has, as of the date of the reconsideration, demonstrated that the recipient did meet, or is meeting the service obligation in the agreement under subsection (b), the Secretary shall—

“(i) discharge the Federal Direct Unsubsidized Stafford Loan under part D, and reinstate the recipient’s grant under this subpart;

“(ii) discharge any interest or fees that may have accumulated during the period that the grant was converted to a Federal Direct Unsubsidized Stafford Loan under part D;

“(iii) if the recipient has other loans under part D, apply any payments made for the Federal Direct Unsubsidized Staf-

ford Loan under part D during such period to those other loans under part D;

“(iv) if the recipient does not have other loans under part D, reimburse the recipient for any amounts paid on the Federal Direct Unsubsidized Stafford Loan under part D during such period;

“(v) request that consumer reporting agencies remove any negative credit reporting due to the conversion of the TEACH Grant to a loan; and

“(vi) use the additional information provided under subparagraph (A) to determine the progress the recipient has made in meeting the service obligation.

“(C) EXTENSION OF TIME TO COMPLETE SERVICE OBLIGATION.—In the case of a recipient whose TEACH Grant was reinstated in accordance with subparagraph (B), the Secretary shall, upon such reinstatement—

“(i) extend the time remaining for the recipient to fulfill the service obligation described in subsection (b)(1) to a period of time equal to—

“(I) 8 years; minus

1 “(II) the number of full academic
 2 years of teaching that the recipient
 3 completed prior to the reconversion of
 4 the loan to a TEACH Grant under
 5 subparagraph (B), including any
 6 years of qualifying teaching completed
 7 during the period when the TEACH
 8 Grant was in loan status; and

9 “(ii) treat any full academic years of
 10 teaching described in clause (i)(II) as years
 11 that count toward the individual’s service
 12 obligation (regardless of whether the
 13 TEACH Grant funds were in grant or loan
 14 status) if that time otherwise meets the re-
 15 quirements of this section.”; and

16 (3) in subsection (d), by adding at the end the
 17 following:

18 “(3) COMMUNICATION WITH RECIPIENTS.—The
 19 Secretary shall notify TEACH grant recipients not
 20 less than once per calendar year regarding how to
 21 submit the employment certification under sub-
 22 section (b)(1)(D) and the recommendations and re-
 23 quirements for submitting that certification under
 24 subsection (d)(5).

1 “(4) QUALIFYING SCHOOLS AND HIGH-NEED
2 FIELDS.—The Secretary shall maintain and annually
3 update a list of qualifying schools as described in
4 subsection (b)(1)(B), and a list of high-need fields
5 as described in subsection (b)(1)(C) and shall make
6 such lists publicly available on the Department’s
7 website in a sortable and searchable format.”.

8 **SEC. 3. SUBMISSION OF EMPLOYMENT CERTIFICATION.**

9 Section 420N(d) of the Higher Education Act of
10 1965 (20 U.S.C. 1070g–2(d)), as amended by section 2,
11 is further amended by adding at the end the following:

12 “(5) SUBMISSION OF EMPLOYMENT CERTIFI-
13 CATION.—

14 “(A) RECOMMENDED SUBMISSIONS.—The
15 Secretary shall notify TEACH Grant recipients
16 that the Department recommends that TEACH
17 Grant recipients submit the employment certifi-
18 cation described in subsection (b)(1)(D) as soon
19 as practicable after the completion of each year
20 of service.

21 “(B) REQUIRED SUBMISSION.—A TEACH
22 Grant recipient shall be required to submit to
23 the Department employment certification within
24 the timeframe that would allow that individual

1 to complete their service obligation before the
 2 end of the service obligation window.

3 “(C) NOTIFICATION.—The Secretary shall
 4 notify TEACH Grant recipients of the required
 5 submission deadlines described in this para-
 6 graph.

7 “(D) ADJUSTMENT OF DEADLINE.—The
 8 Secretary shall adjust the submission deadline
 9 described in subparagraph (B) to account for a
 10 service obligation window extension.

11 “(E) ALTERNATIVE TO CERTIFICATION.—
 12 The Secretary shall provide an alternative to
 13 the certification of employment described in
 14 subsection (b)(1)(D) for recipients who cannot
 15 obtain such required certification of employ-
 16 ment from the chief administrative officer of
 17 the school because the recipient can dem-
 18 onstrate the school is no longer in existence or
 19 the school refuses to cooperate.”.

20 **SEC. 4. EXTENSION OF TIME TO FULFILL SERVICE OBLIGA-**
 21 **TION DUE TO COVID-19.**

22 (a) Section 3519(a) of the CARES Act (Public Law
 23 116–136; 20 U.S.C. 1001 note) is amended—

24 (1) in the matter preceding paragraph (1), by
 25 striking “For the purpose of section 420N of the

1 Higher Education Act of 1965 (20 U.S.C. 1070g–
 2 2), during a qualifying emergency,” and inserting
 3 “Notwithstanding any provision of subpart 9 of part
 4 A of title IV of the Higher Education Act of 1965
 5 (20 U.S.C. 1070g et seq.),”;

6 (2) in paragraph (1), by striking “and” after
 7 the semicolon;

8 (3) in paragraph (2), by striking “such section
 9 420N.” and inserting “section 420N of such Act;
 10 and”; and

11 (4) by adding at the end the following:

12 “(3) shall extend the service obligation window
 13 (as described in section 420N(b)(1)(A) of such Act)
 14 for a period of not more than 3 years, in addition
 15 to any extensions provided in accordance with sub-
 16 part 9 of part A of title IV of the Higher Education
 17 Act of 1965 (20 U.S.C. 1070g et seq.), in the case
 18 of a grant recipient whose service obligation window
 19 begins during, or includes—

20 “(A) the qualifying emergency period; or

21 “(B) a period of recession or economic
 22 downturn related to the qualifying emergency
 23 period, as determined by the Secretary in con-
 24 sultation with the Secretary of Labor.”.

1 (b) Section 3519 of the CARES Act (Public Law
2 116–136; 20 U.S.C. 1001 note) is amended by adding at
3 the end the following:

4 “(c) FEDERAL PERKINS LOANS.—Notwithstanding
5 section 465 of the Higher Education Act of 1965 (20
6 U.S.C. 1087ee), the Secretary shall waive the require-
7 ments of such section in regard to full-time service and
8 shall consider an incomplete year of service of a borrower
9 as fulfilling the requirement for a complete year of service
10 under such section, if the service was interrupted due to
11 a qualifying emergency.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect as if included in the enact-
14 ment of the CARES Act (Public Law 116–136).

15 **SEC. 5. IMPLEMENTATION.**

16 In carrying out this Act and any amendments made
17 by this Act, or any regulations promulgated under this Act
18 or under such amendments, the Secretary of Education
19 may waive the application of—

20 (1) subchapter I of chapter 35 of title 44,
21 United States Code (commonly known as the “Pa-
22 perwork Reduction Act”);

23 (2) the master calendar requirements under
24 section 482 of the Higher Education Act of 1965
25 (20 U.S.C. 1089);

1 (3) negotiated rulemaking under section 492 of
2 the Higher Education Act of 1965 (20 U.S.C.
3 1098a); and

4 (4) the requirement to publish the notices re-
5 lated to the system of records of the agency before
6 implementation required under paragraphs (4) and
7 (11) of section 552a(e) of title 5, United States
8 Code (commonly known as the “Privacy Act of
9 1974”), except that the notices shall be published
10 not later than 180 days after the date of enactment
11 of this Act.

Passed the Senate December 16, 2020.

Attest:

Secretary.

116TH CONGRESS
2D SESSION

S. 1387

AN ACT

To amend the Higher Education Act of 1965 in order to improve the service obligation verification process for TEACH Grant recipients, and for other purposes.