

117TH CONGRESS
1ST SESSION

S. 848

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.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2021

Mr. BRAUN (for himself and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consider Teachers Act
5 of 2021”.

6 **SEC. 2. TEACH GRANTS.**

7 Section 420N of the Higher Education Act of 1965
8 (20 U.S.C. 1070g–2) is amended—

9 (1) in subsection (b)(1)—

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

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

6 (C) by striking subparagraphs (D) and (E)
 7 and inserting the following:

8 “(D) submit a certification of employment
 9 by the chief administrative officer of the school
 10 in accordance with subsection (d)(5); and

11 “(E) meet all State certification require-
 12 ments for teaching (which may include meeting
 13 such requirements through a certification ob-
 14 tained through alternative routes to teaching);”;
 15 (2) in subsection (c)—

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

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

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

20 “(2) RECONSIDERATION OF CONVERSION DECI-
 21 SIONS.—

22 “(A) REQUEST TO RECONSIDER.—In any
 23 case where the Secretary has determined that a
 24 recipient of a grant under this subpart has
 25 failed or refused to comply with the service obli-

1 gation in the agreement under subsection (b)
2 and has converted the grant into a Federal Di-
3 rect Unsubsidized Stafford Loan under part D
4 in accordance with paragraph (1), (including a
5 TEACH Grant converted to a loan prior to the
6 date of enactment of the Consider Teachers Act
7 of 2021 and including cases where such loans
8 have been fully or partially paid), the recipient
9 may request that the Secretary reconsider such
10 initial determination and may submit additional
11 information to demonstrate satisfaction of the
12 service obligation. Upon receipt of such a re-
13 quest, the Secretary shall reconsider the deter-
14 mination in accordance with this paragraph not
15 later than 90 days after the date that such re-
16 quest was received.

17 “(B) RECONSIDERATION.—If, in reconsid-
18 ering an initial determination under subpara-
19 graph (A) (including reconsideration related to
20 a TEACH Grant that was converted to a loan
21 prior to the date of enactment of the Consider
22 Teachers Act of 2021 and including cases
23 where such loans were fully or partially paid),
24 the Secretary determines that the reason for
25 such determination was the recipient’s failure to

1 timely submit a certification required under
2 subsection (b)(1)(D) (as in effect on the day be-
3 fore the date of enactment of the Consider
4 Teachers Act of 2021), an error or processing
5 delay by the Secretary, a change to the fields
6 considered eligible for fulfillment of the service
7 obligation (as described in subsection
8 (b)(1)(C)), a recipient having previously re-
9 quested to have the TEACH Grant converted to
10 a loan, or another valid reason determined by
11 the Secretary, and that the recipient has, as of
12 the date of the reconsideration, demonstrated
13 that the recipient did meet, or is meeting the
14 service obligation in the agreement under sub-
15 section (b), the Secretary shall—

16 “(i) discharge the Federal Direct Un-
17 subsidized Stafford Loan under part D,
18 and reinstate the recipient’s grant under
19 this subpart;

20 “(ii) discharge any interest or fees
21 that may have accumulated during the pe-
22 riod that the grant was converted to a
23 Federal Direct Unsubsidized Stafford
24 Loan under part D;

1 “(iii) if the recipient has other loans
 2 under part D, apply any payments made
 3 for the Federal Direct Unsubsidized Staf-
 4 ford Loan under part D during such pe-
 5 riod to those other loans under part D;

6 “(iv) if the recipient does not have
 7 other loans under part D, reimburse the
 8 recipient for any amounts paid on the Fed-
 9 eral Direct Unsubsidized Stafford Loan
 10 under part D during such period;

11 “(v) request that consumer reporting
 12 agencies remove any negative credit report-
 13 ing due to the conversion of the TEACH
 14 Grant to a loan; and

15 “(vi) use the additional information
 16 provided under subparagraph (A) to deter-
 17 mine the progress the recipient has made
 18 in meeting the service obligation.

19 “(C) EXTENSION OF TIME TO COMPLETE
 20 SERVICE OBLIGATION.—In the case of a recipi-
 21 ent whose TEACH Grant was reinstated in ac-
 22 cordance with subparagraph (B), the Secretary
 23 shall, upon such reinstatement—

24 “(i) extend the time remaining for the
 25 recipient to fulfill the service obligation de-

scribed in subsection (b)(1) to a period of
time equal to—

“(I) 8 years; minus

“(II) the number of full academic

years of teaching that the recipient

completed prior to the reconversion of

the loan to a TEACH Grant under

subparagraph (B), including any

years of qualifying teaching completed

during the period when the TEACH

Grant was in loan status; and

“(ii) treat any full academic years of

teaching described in clause (i)(II) as years

that count toward the individual’s service

obligation (regardless of whether the

TEACH Grant funds were in grant or loan

status) if that time otherwise meets the re-

quirements of this section.”; and

(3) in subsection (d), by adding at the end the

following:

“(3) COMMUNICATION WITH RECIPIENTS.—The

Secretary shall notify TEACH grant recipients not

less than once per calendar year regarding how to

submit the employment certification under sub-

section (b)(1)(D) and the recommendations and re-

1 requirements for submitting that certification under
 2 subsection (d)(5).

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

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

11 Section 420N(d) of the Higher Education Act of
 12 1965 (20 U.S.C. 1070g–2(d)), as amended by section 2,
 13 is further amended by adding at the end the following:

14 “(5) SUBMISSION OF EMPLOYMENT CERTIFI-
 15 CATION.—

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

23 “(B) REQUIRED SUBMISSION.—A TEACH
 24 Grant recipient shall be required to submit to
 25 the Department employment certification within

the timeframe that would allow that individual to complete their service obligation before the end of the service obligation window.

“(C) NOTIFICATION.—The Secretary shall notify TEACH Grant recipients of the required submission deadlines described in this paragraph.

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

“(E) ALTERNATIVE TO CERTIFICATION.—The Secretary shall provide an alternative to the certification of employment described in subsection (b)(1)(D) for recipients who cannot obtain such required certification of employment from the chief administrative officer of the school because the recipient can demonstrate the school is no longer in existence or the school refuses to cooperate.”.

SEC. 4. EXTENSION OF TIME TO FULFILL SERVICE OBLIGATION DUE TO COVID-19.

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

1 (1) in the matter preceding paragraph (1), by
 2 striking “For the purpose of section 420N of the
 3 Higher Education Act of 1965 (20 U.S.C. 1070g-2),
 4 during a qualifying emergency,” and inserting “Not-
 5 withstanding any provision of subpart 9 of part A of
 6 title IV of the Higher Education Act of 1965 (20
 7 U.S.C. 1070g et seq.),”;

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

10 (3) in paragraph (2), by striking “such section
 11 420N.” and inserting “section 420N of such Act;
 12 and”; and

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

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

22 “(A) the qualifying emergency period; or

23 “(B) a period of recession or economic
 24 downturn related to the qualifying emergency

1 period, as determined by the Secretary in con-
2 sultation with the Secretary of Labor.”.

3 (b) Section 3519 of the CARES Act (Public Law
4 116–136; 20 U.S.C. 1001 note) is amended by adding at
5 the end the following:

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

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

17 **SEC. 5. IMPLEMENTATION.**

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

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

1 (2) the master calendar requirements under
2 section 482 of the Higher Education Act of 1965
3 (20 U.S.C. 1089);

4 (3) negotiated rulemaking under section 492 of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1098a); and

7 (4) the requirement to publish the notices re-
8 lated to the system of records of the agency before
9 implementation required under paragraphs (4) and
10 (11) of section 552a(e) of title 5, United States
11 Code (commonly known as the “Privacy Act of
12 1974”), except that the notices shall be published
13 not later than 180 days after the date of enactment
14 of this Act.

○