

118TH CONGRESS
2D SESSION

H. R. 10477

To amend the Higher Education Act of 1965 to improve the Public Service Loan Forgiveness program and reduce interest rates.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2024

Mr. COURTNEY (for himself, Mr. SARBANES, and Mr. DESAULNIER) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Higher Education Act of 1965 to improve the Public Service Loan Forgiveness program and reduce interest rates.

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 “Strengthening Efforts
5 for Relief and Vital Incentives for Community Service and
6 Engagement Act” or the “SERVICE Act”.

1 **SEC. 2. AMENDMENTS TO TERMS AND CONDITIONS OF PUB-**

2 **LIC SERVICE LOAN FORGIVENESS.**

3 (a) NUMBER OF MONTHLY PAYMENTS.—Paragraph

4 (1) of section 455(m) of the Higher Education Act of

5 1965 (20 U.S.C. 1087e(m)) is amended—

6 (1) in subparagraph (A), by striking “120

7 monthly payments” and all that follows and insert-

8 ing “96 qualifying monthly payments on the eligible

9 Federal Direct Loan after October 1, 2007; and”;

10 and

11 (2) by amending subparagraph (B) to read as

12 follows:

13 “(B) has been employed in a public service

14 job during the period in which the borrower

15 makes each of the 96 qualifying monthly pay-

16 ments.”.

17 (b) REDESIGNATIONS.—Section 455(m) of the High-

18 er Education Act of 1965 (20 U.S.C. 1087e(m)) is further

19 amended by redesignating paragraphs (2), (3), and (4),

20 and as paragraphs (3), (6), and (7), respectively;

21 (c) MONTHLY PAYMENTS.—Section 455(m) of the

22 Higher Education Act of 1965 (20 U.S.C. 1087e(m)) is

23 further amended—

24 (1) by inserting after paragraph (1), as so

25 amended, the following:

26 “(2) MONTHLY PAYMENTS.—

1 “(A) QUALIFYING MONTHLY PAYMENTS.—

2 For the purpose of determining under para-
3 graph (1) the number of qualifying monthly
4 payments made by a borrower on an eligible
5 Federal Direct Loan, the Secretary shall con-
6 sider the borrower to have made a qualifying
7 monthly payment for each month that—

8 “(i) the borrower pays (as a lump
9 sum or in multiple installments) an
10 amount that is not less than the monthly
11 payment amount due on the eligible Fed-
12 eral Direct Loan pursuant to any one or a
13 combination of the following—

14 “(I) payments under an income-
15 based repayment plan under section
16 493C;

17 “(II) payments under a standard
18 repayment plan under subsection
19 (d)(1)(A), based on a 10-year repay-
20 ment period;

21 “(III) monthly payments under a
22 repayment plan under subsection
23 (d)(1) or (g) of not less than the
24 monthly amount calculated under sub-

section (d)(1)(A), based on a 10-year repayment period; or

“(IV) payments under an income contingent repayment plan under subsection (d)(1)(D); or

“(ii) in lieu of a payment described in clause (i), the borrower is in one of the following periods of deferment or forbearance—

“(I) cancer treatment deferment under section 427(a)(2)(C)(iv), 428(b)(1)(M)(v), or 455(f)(3);

“(II) rehabilitation training program deferment under section 427(a)(2)(C)(i)(II), 428(b)(1)(M)(i)(II), or 455(f)(2)(A)(ii);

“(III) military service deferment under section 428(b)(1)(M)(iii) or 455(f)(2)(C);

“(IV) unemployment deferment under section 427(a)(2)(C)(ii), 428(b)(1)(M)(ii), 428B(d)(1)(A)(i), or 455(f)(2)(B);

1 “(V) deferment due to an eco-
2 nomic hardship described in section
3 427(a)(2)(C)(iii), section
4 428(b)(1)(M)(iv), section
5 428B(d)(1)(A)(i), section 435(o), or
6 section 455(f)(2)(D);
7 “(VI) Peace Corps service
8 deferment under section
9 682.210(b)(2)(ii) or 682.210(k) of
10 title 34, Code of Federal Regulations
11 (or successor regulations), as made
12 applicable to Direct Loan borrowers
13 under section 685.204(j) of such title
14 34;
15 “(VII) post-active-duty student
16 deferment under section 493D;
17 “(VIII) AmeriCorps forbearance
18 under section 428(c)(3)(A)(i)(III);
19 “(IX) National Guard Duty for-
20 bearance under section
21 682.211(h)(2)(iii) or 685.205(a)(7) of
22 title 34, Code of Federal Regulations
23 (or successor regulations);
24 “(X) Department of Defense stu-
25 student loan repayment program forbear-

10 “(B) PREPAYMENTS.—

“(i) IN GENERAL.—Subject to clause
(ii), if, for any month, a borrower makes a qualifying monthly payment on an eligible Federal Direct Loan in an amount that exceeds the monthly payment amount due on such loan for such month, the Secretary shall—

18 “(I) if the excess amount is less
19 than the monthly payment amount
20 due for the subsequent month on such
21 loan, apply the excess amount toward
22 the monthly payment amount due for
23 such subsequent month;

1 due for the subsequent month on such
2 loan, treat the excess amount as the
3 monthly payment for such subsequent
4 month;

5 “(III) if the excess amount is
6 greater than the monthly payment
7 amount due for the subsequent month
8 on such loan, but less than the total
9 monthly payment amounts due for the
10 2 subsequent months on such loan—

11 “(aa) treat the portion of
12 the excess amount that covers
13 the monthly payment amount due
14 for the subsequent month as the
15 monthly payment for such subse-
16 quent month; and

17 “(bb) apply the remainder of
18 the excess amount toward the
19 monthly payment amount due for
20 the second subsequent month;

21 “(IV) if the excess amount is
22 equal to or greater than the monthly
23 payment amount due for the 2 subse-
24 quent months on such loan, but less
25 than the total monthly payment

1 amounts due for the 3 subsequent
2 months on such loan—

3 “(aa) treat the portion of
4 the excess amount that covers
5 the monthly payment amounts
6 due for the subsequent month
7 and the second subsequent month
8 as the monthly payments for
9 such months; and

10 “(bb) apply any remainder
11 of such excess amount toward the
12 monthly payment amount due for
13 the third subsequent month;

14 “(V) if the excess amount is
15 equal to the monthly payment
16 amounts due for the 3 subsequent
17 months on such loan, treat the excess
18 amount as the monthly payments for
19 such months;

20 “(VI) if the excess amount is
21 greater than the monthly payment
22 amounts due for the 3 subsequent
23 months on such loan—

24 “(aa) treat the portion of
25 the excess amount that covers

9 “(VII) notwithstanding sub-
10 clauses (I) through (VI), if the bor-
11 rower has a monthly payment amount
12 due on such loan for such month that
13 is equal to \$0, apply any excess
14 amount for such month to the prin-
15 cipal balance of the eligible Federal
16 Direct loan.

1 such excess amount being applied in ac-
2 cordance with clause (i).

3 “(C) BUYBACK PAYMENT PROCESS.—

4 “(i) IN GENERAL.—The Secretary
5 shall establish a buyback payment process
6 under which a qualified borrower of an eli-
7 gible Federal Direct Loan may make a
8 buyback payment in order to have eligible
9 months of the borrower’s public service
10 employment period during which the bor-
11 rower did not make a qualifying monthly
12 payment on such loan be treated as if the
13 borrower had made a qualifying monthly
14 payment on such loan.

15 “(ii) QUALIFIED BORROWER.—A bor-
16 rower is a qualified borrower for the pur-
17 poses of making a buyback payment in ac-
18 cordance with this subparagraph if the
19 borrower—

20 “(I) has an eligible Federal Di-
21 rect Loan that is not in default;

22 “(II) has been employed in a
23 public service job for not less than a
24 96 month employment period, but
25 during such employment period has

1 made fewer than 96 qualifying monthly payments on an eligible Federal Direct Loan; and

4 “(III) requests to make a buyback payment in accordance with 5 this subparagraph.

7 “(iii) ELIGIBLE MONTH.—For the 8 purposes of this subparagraph, an eligible month means a month during which a 9 qualified borrower was employed in a public service job, was not in an in-school 10 deferment or grace period, and did not 11 make a qualifying monthly payment on an 12 eligible Federal Direct Loan for such 13 month—

16 “(I) because the borrower made a 17 monthly payment on such eligible 18 Federal Direct Loan pursuant to a repayment plan that is not a qualifying 19 repayment plan;

21 “(II) because the borrower was 22 in a period of deferment or forbearance other than a period described in 23 clause (ii) of subparagraph (A); or

1 “(III) for another reason deter-
2 mined appropriate by the Secretary.

3 “(iv) BUYBACK PAYMENT REQUIRE-
4 MENTS.—A buyback payment made in ac-
5 cordance with this subparagraph—

6 “(I) shall be made by a qualified
7 borrower as a lump sum payment
8 amount, and in an amount that equals
9 the total amount the borrower would
10 have paid in qualifying monthly pay-
11 ments on the eligible Federal Direct
12 Loan for all eligible months the bor-
13 rowner is requesting to buyback, pursu-
14 ant to a qualifying repayment plan
15 applicable to the borrower, in accord-
16 ance with section 685.219(g)(6) of
17 title 34, Code of Federal Regulations
18 (as such section is in effect on the
19 date of enactment of this paragraph)
20 or any other relevant regulations in
21 effect on such date;

22 “(II) may not be made with re-
23 spect to an eligible Federal Direct
24 Loan that has been paid off, dis-
25 charged, or cancelled; and

1 “(III) with respect to an eligible
2 Federal Direct Loan that is a consoli-
3 dation loan, may not be used to
4 buyback eligible months that occurred
5 before the date of the consolidation of
6 such loan.

7 “(D) HOLD HARMLESS AGAINST RETRO-
8 ACTIVE DETERMINATIONS.—For purposes of
9 determining under paragraph (1) the number of
10 qualifying monthly payments made by a bor-
11 rower, any payment or period of deferment or
12 forbearance that is determined to be a qual-
13 fying monthly payment may not, at a later
14 time, be determined not to be a qualifying
15 monthly payment.”; and

16 (2) in paragraph (6), as redesignated by section
17 2(b), by adding at the end the following:

18 “(C) QUALIFYING REPAYMENT PLAN.—
19 The term ‘qualifying repayment plan’ means
20 any of the repayment plans listed in clause (i)
21 of paragraph (2)(A).”.

22 (d) LOAN CANCELLATION.—Paragraph (3) of section
23 455(m) of the Higher Education Act of 1965 (20 U.S.C.
24 1087e(m)), as redesignated by subsection (b), is amended
25 to read as follows:

1 “(3) LOAN CANCELLATION AMOUNT.—Upon
2 certification by a borrower of completion of 96 quali-
3 fying monthly payments by the borrower, the Sec-
4 retary shall determine whether the borrower meets
5 each of the requirements of paragraph (1), and—

6 “(A) if the Secretary determines that the
7 borrower does meet such requirements, cancel
8 the obligation to repay the balance of principal
9 and interest due as of the time of such cancella-
10 tion on the eligible Federal Direct Loans made
11 to the borrower under this part, without further
12 action by the borrower; or

13 “(B) if the Secretary determines that the
14 borrower does not meet such requirements, no-
15 tify the borrower of such determination in ac-
16 cordance with paragraph (4).”.

17 (e) RECONSIDERATION PROCESS.—Section 455(m) of
18 the Higher Education Act of 1965 (20 U.S.C. 1087e(m)),
19 as redesignated by subsection (b), is further amended by
20 inserting after paragraph (3), as so amended, the fol-
21 lowing:

22 “(4) INITIAL DETERMINATION OF INELIGI-
23 BILITY FOR LOAN CANCELLATION.—In a case in
24 which the Secretary determines that a borrower has

1 not met the requirements of paragraph (1), the Sec-
2 retary shall—

3 “(A) notify the borrower that—

4 “(i) the borrower’s application has
5 been denied, including the basis for such
6 denial;

7 “(ii) the borrower is in a 90-day for-
8 bearance period described in subparagraph
9 (B); and

10 “(iii) the Secretary will resume collec-
11 tion of the eligible Federal Direct Loans
12 for which the borrower was seeking loan
13 cancellation under this subsection after
14 such 90-day forbearance period, unless the
15 borrower opts to extend such forbearance
16 period under paragraph (5)(A)(ii); and

17 “(B) grant the borrower a 90-day forbear-
18 ance period, beginning on the date of the notice
19 described in subparagraph (A) provided to the
20 borrower, and during which—

21 “(i) payments of principal and inter-
22 est need not be made on the eligible Fed-
23 eral Direct Loans for which the borrower
24 was seeking loan cancellation under this
25 subsection; and

1 “(ii) any interest accrued and not
2 paid may not be capitalized.

3 “(5) RECONSIDERATION PROCESS.—

4 “(A) REQUEST FOR RECONSIDERATION.—
5 Not later than 90 days after the date of the no-
6 tice described in paragraph (4)(A) provided to
7 the borrower—

8 “(i) the borrower may request, on a
9 form approved by the Secretary, that the
10 Secretary reconsider the basis for the Sec-
11 retary’s denial under paragraph (4)(A)(i);
12 and

13 “(ii) if the Secretary grants the bor-
14 rower’s reconsideration request, offer the
15 borrower an extension of the 90-day for-
16 bearance period described in paragraph
17 (4)(B), which shall—

18 “(I) begin on the date of the bor-
19 rower’s reconsideration request under
20 this subparagraph; and

21 “(II) end on the date of the no-
22 tice provided to the borrower under
23 subparagraph (C)(i)(I) of the Sec-
24 retary’s reconsideration decision.

1 “(B) CONSIDERATION OF RECONSIDER-
2 ATION REQUEST.—In evaluating a reconsider-
3 ation request from a borrower, the Secretary
4 shall consider any relevant evidence or sup-
5 porting documentation that may assist the Sec-
6 retary in determining whether the borrower
7 meets each of the requirements of paragraph
8 (1) to qualify for loan cancellation under this
9 subsection.

10 “(C) DECISION BY THE SECRETARY.—

11 “(i) IN GENERAL.—Not later than 6
12 months after receipt of a borrower’s recon-
13 sideration request, the Secretary shall—

14 “(I) notify the borrower of the
15 reconsideration decision and the rea-
16 son for the Secretary’s determination;

17 “(II) in a case in which the re-
18 consideration request is granted, ad-
19 just the borrower’s number of qualifi-
20 fying monthly payments under para-
21 graph (1) or cancel the loan under
22 paragraph (3); and

23 “(III) in a case in which the Sec-
24 retary denies the reconsideration re-
25 quest, with respect to a borrower who

1 agrees to the forbearance extension
2 described in subparagraph (A)(ii), in-
3 clude in the notice provided to the
4 borrower under subclause (I), a re-
5 minder that the Secretary will resume
6 collection of the eligible Federal Di-
7 rect Loans for which the borrower
8 was seeking loan cancellation under
9 this subsection as of the date of such
10 notice.

11 “(ii) FINAL DECISION.—After the
12 Secretary makes a decision on the bor-
13 rower’s reconsideration request, the Sec-
14 retary’s decision is final, and the borrower
15 will not receive additional reconsider-
16 ation.”.

17 **SEC. 3. TERMS AND CONDITIONS OF EMPLOYMENT.**

18 (a) INDEPENDENT CONTRACTORS.—Section 455(m)
19 is further amended by adding at the end the following:
20 “(8) TREATMENT OF INDEPENDENT CONTRAC-
21 TORS.—For purposes of this subsection, each ref-
22 erence to ‘employment’ and ‘employed’ shall be
23 treated as including work as an independent con-
24 tractor.”.

1 (b) DEFINITIONS.—Paragraph (6) of section 455(m)
2 of the Higher Education Act of 1965 (20 U.S.C.
3 1087e(m)), as redesignated by section 2(b), is further
4 amended by adding at the end the following:

5 “(D) FULL-TIME.—The term ‘full-time’
6 means, with respect to a public service job,
7 working 1 or more such jobs—

8 “(i) a minimum average of 30 hours
9 per week during the period being certified;

10 “(ii) a minimum of 30 hours per week
11 throughout a contractual or employment
12 period of at least 8 months in a 12-month
13 period; and

14 “(iii) with respect to an individual
15 who is in nontenure track employment at
16 an institution of higher education, the
17 equivalent of 30 hours per week as deter-
18 mined by multiplying each credit or con-
19 tact hour taught by such individual per
20 week by a number to be determined by the
21 Secretary.

22 “(E) INDEPENDENT CONTRACTOR.—The
23 term ‘independent contractor’ means an indi-
24 vidual who is not an employee and who is work-
25 ing in a public service job in a position or pro-

1 viding services which, under applicable State
2 law, cannot be filled or provided by an employee
3 of the public service job.”.

4 **SEC. 4. ONLINE PORTAL AND DATABASE OF PUBLIC SERV-**

5 **ICE JOBS.**

6 Section 455(m) of the Higher Education Act of 1965
7 is further amended by adding at the end the following:
8 “(9) ONLINE PORTAL AND DATABASE OF PUB-
9 LIC SERVICE JOBS.—

10 “(A) ONLINE PORTAL.—

11 “(i) BORROWERS.—The Secretary
12 shall establish an online portal that pro-
13 vides to borrowers of eligible Federal Di-
14 rect Loans the following information:

15 “(I) Instructions on how to ac-
16 cess the database established under
17 subparagraph (B) so that the bor-
18 rower can determine whether the bor-
19 rower is employed in a public service
20 job.

21 “(II) An identification of the
22 loans of the borrower that are eligible
23 Federal Direct Loans, and an identi-
24 fication of the qualifying repayment

1 plans for which such eligible Federal
2 Direct Loans qualify.

3 “(III) With respect to each such
4 eligible Federal Direct Loan—

5 “(aa) the number of qualifi-
6 fying monthly payments the bor-
7 rrower has made in accordance
8 with paragraph (1); and

9 “(bb) the estimated number
10 of qualifying monthly payments
11 under such paragraph remaining
12 on such loan before the borrower
13 may be eligible for loan cancella-
14 tion under this subsection.

15 “(IV) With respect to each loan
16 of the borrower that is not eligible for
17 loan cancellation under paragraph (3)
18 of this subsection, an explanation of
19 why the loan is not so eligible and in-
20 structions on how what, if anything,
21 the borrower may do to make the loan
22 so eligible.

23 “(V) Instructions for the submis-
24 sion of any forms associated with such
25 loan cancellation, and an ability for

3 “(VI) In a case in which a bor-
4 rower submits to the Secretary an ap-
5 plication for loan cancellation under
6 this subsection that is denied by the
7 Secretary—

20 “(cc) a notice of the Sec-
21 retary’s reconsideration decision,
22 which meets each of the require-
23 ments of paragraph (5)(C).

1 paragraph (2)(C), and a form to re-
2 quest such a buyback, including the
3 eligible months for which the borrower
4 may request a buyback, and the
5 amount that the borrower would be
6 required to pay for such buyback.

7 “(VIII) An explanation of how
8 consolidating one or more Direct
9 Loans into a Direct Consolidation
10 Loan, including a Direct PLUS Loan
11 made to a parent borrower, will affect
12 the number of qualifying monthly pay-
13 ments attributed to the borrower.

14 “(ii) APPROPRIATE CONTACTS.—The
15 Secretary shall ensure that an appropriate
16 contact for a public service job of a bor-
17 rower has the option to electronically sign
18 and submit any forms associated with loan
19 cancellation under paragraph (3) of this
20 subsection.

21 “(iii) INFORMATION.—The Secretary
22 shall ensure that any information provided
23 through the online portal described in this
24 subparagraph contains up-to-date informa-
25 tion.

1 “(B) DATABASE OF PUBLIC SERVICE

2 JOBS.—

3 “(i) IN GENERAL.—The Secretary, in
4 consultation with the Secretary of Labor,
5 shall establish and regularly update a data-
6 base that lists public service jobs.

7 “(ii) PUBLIC AVAILABILITY.—The
8 database established under clause (i) shall
9 be made available on a publicly accessible
10 website of the Department of Education in
11 an easily searchable format.”.

12 **SEC. 5. TREATMENT OF PERIODS OF DEFERMENT AND FOR-**13 **BEARANCE.**

14 (a) IN GENERAL.—Section 455(f) of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1087e(f)) is amended—

16 (1) in the subsection heading, by inserting
17 “AND FORBEARANCE” at the end;

18 (2) in paragraph (1)(B), by striking “capital-
19 ized or”; and

20 (3) by adding at the end the following:

21 “(7) FORBEARANCE.—With respect to a loan
22 that is in a period of forbearance, interest on such
23 loan may not be capitalized after the conclusion of
24 such period.”.

1 (b) APPLICATION OF AMENDMENT.—The amend-
2 ments made by subsection (a) shall apply to any period
3 of deferment or forbearance in effect as of the date of the
4 enactment of this Act, and any period of deferment or for-
5 bearance beginning on or after such date of enactment.

6 **SEC. 6. TREATMENT OF CONSOLIDATED AND REFINANCED**

7 **LOANS.**

8 Section 455(m)(2) of the Higher Education Act of
9 1965 (20 U.S.C. 1087e(m)(2)), as amended by the pre-
10 ceding provisions of this Act, is further amended by insert-
11 ing after subparagraph (D) the following:

12 “(E) DETERMINATION OF NUMBER OF
13 QUALIFYING MONTHLY PAYMENTS FOR CON-
14 SOLIDATION LOANS.—With respect to deter-
15 mining the number of qualifying monthly pay-
16 ments for a borrower seeking loan forgiveness
17 under this subsection who consolidates one or
18 more Direct Loans into a Direct Consolidation
19 Loan, including a Direct PLUS Loan made to
20 a parent borrower, the Secretary shall use the
21 weighted average of the payments the borrower
22 made on the Direct Loans prior to consoli-
23 dating that met the criteria under this sub-
24 section.”.

1 SEC. 7. LOAN FORGIVENESS FOR TEACHERS.

2 (a) IN GENERAL.—The Higher Education Act of
3 1965 (20 U.S.C. 1001 et seq.) is further amended—

4 (1) in section 428J(g)(2) (20 U.S.C. 1078–
5 10(g)(2))—

6 (A) in subparagraph (A), by inserting “or”
7 after the semicolon at the end;

8 (B) by striking subparagraph (B); and

9 (C) by redesignating subparagraph (C) as
10 subparagraph (B); and

11 (2) in section 460(g)(2) (20 U.S.C.
12 1087j(g)(2))—

13 (A) in subparagraph (A), by inserting “or”
14 after the semicolon at the end;

15 (B) by striking subparagraph (B); and

16 (C) by redesignating subparagraph (C) as
17 subparagraph (B).

18 (b) CONFORMING AMENDMENT.—Section 455(m)(7)
19 of the Higher Education Act of 1965, as redesignated by
20 section 2(b) of this Act, is amended by striking “section
21 428J, 428K, 428L, or 460” and inserting “section 428K
22 or 428L”.

**23 SEC. 8. GAO STUDY ON DATA MATCHING AGREEMENTS FOR
24 PUBLIC SERVICE LOAN FORGIVENESS.**

25 (a) IN GENERAL.—The Comptroller General of the
26 United States shall conduct a study on the feasibility of

1 establishing data matching agreements for public service
2 loan forgiveness under section 455(m) of the Higher Edu-
3 cation Act of 1965 (20 U.S.C. 1087e(m)) that would allow
4 a borrower to forego requesting certification of employ-
5 ment from the appropriate contact for the public service
6 job of the borrower. The study shall include an examina-
7 tion of the Department of Education and the Department
8 of Defense's progress towards automatic data matching
9 for military and veteran borrowers.

10 (b) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, the Comptroller General shall
12 submit a report to the Committee on Education and the
13 Workforce of the House of Representatives and the Com-
14 mittee on Health, Education, Labor, and Pensions of the
15 Senate containing the findings and recommendations re-
16 sulting from the study required under subsection (a).

17 (c) COOPERATION.—The head of each relevant Fed-
18 eral agency, including the Secretary of Education, Sec-
19 retary of Defense, and Commissioner of Internal Revenue,
20 shall cooperate with the Comptroller General to facilitate
21 the completion of the study required under subsection (a).

