

115TH CONGRESS
1ST SESSION

S. 2136

To expand the monthly payments that may be eligible for public service loan forgiveness.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2017

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

A BILL

To expand the monthly payments that may be eligible for public service loan forgiveness.

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 “PSLF Technical Cor-
5 rections Act”.

6 **SEC. 2. AMENDMENT TO THE HIGHER EDUCATION ACT OF**
7 **1965.**

8 Section 455(m) of the Higher Education Act of 1965
9 (20 U.S.C. 1087e(m)) is amended—

1 (1) by redesignating paragraphs (2) through
2 (4) as paragraphs (3) through (5), respectively;

3 (2) in paragraph (1)—

4 (A) in the matter preceding subparagraph
5 (A), by striking “paragraph (2)” and inserting
6 “paragraph (3)”; and

7 (B) in subparagraph (A)—

8 (i) in clause (ii), by inserting “or”
9 after the semicolon;

10 (ii) by striking clause (iii); and

11 (iii) by redesignating clause (iv) as
12 clause (iii);

13 (3) by inserting after paragraph (1) the fol-
14 lowing:

15 “(2) COMPARABLE PAYMENTS.—

16 “(A) IN GENERAL.—In addition to can-
17 celing the balance of interest and principal due
18 for a borrower described in paragraph (1), the
19 Secretary shall also cancel the balance of inter-
20 est and principal due, in accordance with para-
21 graph (3), on any eligible Federal Direct Loan
22 not in default for a borrower who—

23 “(i) is in a repayment plan based on
24 income under subsection (e) or section

1 493C at the time that borrower applies for
2 loan forgiveness under this subsection;

3 “(ii) has made 120—

4 “(I) qualifying monthly pay-
5 ments, as defined in subparagraph
6 (B)(i), on the eligible Federal Direct
7 Loan after October 1, 2007;

8 “(II) qualifying monthly pay-
9 ments, as defined in subparagraph
10 (B)(ii), on the eligible Federal Direct
11 Loan after October 1, 2007; or

12 “(III) total monthly payments
13 that qualify for loan forgiveness under
14 this subsection, which may include
15 any combination of payments that
16 otherwise qualify under paragraph
17 (1), qualifying monthly payments de-
18 scribed in subclause (I), or qualifying
19 monthly payments described in sub-
20 clause (II);

21 “(iii) is employed in a public service
22 job at the time of such forgiveness; and

23 “(iv) has been employed in a public
24 service job during the period in which the

1 borrower makes each of the 120 payments
2 described in clause (ii).

3 “(B) QUALIFYING MONTHLY PAYMENT.—

4 In this paragraph, the term ‘qualifying monthly
5 payment’ means—

6 “(i)(I) an initial monthly payment
7 that was—

8 “(aa) made under any re-
9 payment plan that is not de-
10 scribed in clause (i), (ii), or (iii)
11 of paragraph (1)(A); and

12 “(bb) of an amount that is
13 not less than—

14 “(AA) the monthly
15 amount that the borrower is
16 required to pay in the repay-
17 ment plan based on income
18 described in subparagraph
19 (A)(i); or

20 “(BB) the monthly
21 amount that the borrower
22 would have been required to
23 pay if the borrower had en-
24 tered a repayment plan
25 based on income under sub-

1 section (e) or section 493C
2 at the time the borrower en-
3 tered the repayment plan de-
4 scribed in item (aa); and

5 “(II) every subsequent monthly pay-
6 ment that the borrower made after the ini-
7 tial payment described in subclause (I) and
8 before the borrower entered the repayment
9 plan based on income described in sub-
10 paragraph (A)(i); or

11 “(ii) a monthly payment certified
12 through the extended review process de-
13 scribed in subparagraph (C).

14 “(C) QUALIFYING MONTHLY PAYMENT
15 THROUGH EXTENDED REVIEW.—

16 “(i) IN GENERAL.—A borrower who
17 has not made 120 qualifying monthly pay-
18 ments, as defined in subparagraph (B)(i),
19 may request that the Secretary complete
20 an extended review of the borrower’s re-
21 payment history.

22 “(ii) EXTENDED REVIEW.—If the Sec-
23 retary receives a request for an extended
24 review described in clause (i), the Sec-
25 retary shall—

1 “(I) for each month of past pay-
 2 ments made under a plan that is not
 3 described in clause (i), (ii), or (iii) of
 4 paragraph (1)(A) after October 1,
 5 2007, determine the amount that the
 6 borrower would have been required to
 7 pay in that month (based on the bor-
 8 rower’s income in that year or month)
 9 if the borrower had been on the repay-
 10 ment plan based on income described
 11 in subparagraph (A)(i) in that month;
 12 and

13 “(II) certify as a qualifying
 14 monthly payment, any month for
 15 which the payment the borrower actu-
 16 ally made in that month was not less
 17 than the amount of the payment cal-
 18 culated under subclause (I) for that
 19 month.”; and

20 (4) in paragraph (3), as redesignated by para-
 21 graph (1), by inserting “or paragraph (2), as the
 22 case may be” after “paragraph (1)”.

○