

117TH CONGRESS
1ST SESSION

S. 848

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 Act
3 of 2021”.

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), (including a

8 TEACH Grant converted to a loan prior to the

9 date of enactment of the Consider Teachers Act of 2021 and including cases where such loans

10 have been fully or partially paid), the recipient

11 may request that the Secretary reconsider such

12 initial determination and may submit additional

13 information to demonstrate satisfaction of the

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

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

16 “(B) RECONSIDERATION.—If, in reconsidering an initial determination under subparagraph (A) (including reconsideration related to

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

22 “(i) discharge the Federal Direct Un-
23 subsidized Stafford Loan under part D,
24 and reinstate the recipient's grant under
25 this subpart;

1 “(ii) discharge any interest or fees
 2 that may have accumulated during the pe-
 3 riod that the grant was converted to a
 4 Federal Direct Unsubsidized Stafford
 5 Loan under part D;

6 “(iii) if the recipient has other loans
 7 under part D, apply any payments made
 8 for the Federal Direct Unsubsidized Staf-
 9 ford Loan under part D during such pe-
 10 riod to those other loans under part D;

11 “(iv) if the recipient does not have
 12 other loans under part D, reimburse the
 13 recipient for any amounts paid on the Fed-
 14 eral Direct Unsubsidized Stafford Loan
 15 under part D during such period;

16 “(v) request that consumer reporting
 17 agencies remove any negative credit report-
 18 ing due to the conversion of the TEACH
 19 Grant to a loan; and

20 “(vi) use the additional information
 21 provided under subparagraph (A) to deter-
 22 mine the progress the recipient has made
 23 in meeting the service obligation.

24 “(C) EXTENSION OF TIME TO COMPLETE
 25 SERVICE OBLIGATION.—In the case of a recipi-

ent 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

“(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 requirements of this section.”; and

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

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

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

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

16 Section 420N(d) of the Higher Education Act of
 17 1965 (20 U.S.C. 1070g–2(d)), as amended by section 2,
 18 is further amended by adding at the end the following:

19 “(5) SUBMISSION OF EMPLOYMENT CERTIFI-
 20 CATION.—

21 “(A) RECOMMENDED SUBMISSIONS.—The
 22 Secretary shall notify TEACH Grant recipients
 23 that the Department recommends that TEACH
 24 Grant recipients submit the employment certifi-
 25 cation described in subsection (b)(1)(D) as soon

1 as practicable after the completion of each year
2 of service.

3 “(B) REQUIRED SUBMISSION.—A TEACH
4 Grant recipient shall be required to submit to
5 the Department employment certification within
6 the timeframe that would allow that individual
7 to complete their service obligation before the
8 end of the service obligation window.

9 “(C) NOTIFICATION.—The Secretary shall
10 notify TEACH Grant recipients of the required
11 submission deadlines described in this para-
12 graph.

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

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

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

3 (a) Section 3519(a) of the CARES Act (Public Law
 4 116–136; 20 U.S.C. 1001 note) is amended—

5 (1) in the matter preceding paragraph (1), by
 6 striking “For the purpose of section 420N of the
 7 Higher Education Act of 1965 (20 U.S.C. 1070g–
 8 2), during a qualifying emergency,” and inserting
 9 “Notwithstanding any provision of subpart 9 of part
 10 A of title IV of the Higher Education Act of 1965
 11 (20 U.S.C. 1070g et seq.),”;

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

14 (3) in paragraph (2), by striking “such section
 15 420N.” and inserting “section 420N of such Act;
 16 and”; and

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

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

26 “(A) the qualifying emergency period; or

1 “(B) a period of recession or economic
2 downturn related to the qualifying emergency
3 period, as determined by the Secretary in con-
4 sultation with the Secretary of Labor.”.

5 (b) Section 3519 of the CARES Act (Public Law
6 116–136; 20 U.S.C. 1001 note) is amended by adding at
7 the end the following:

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

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

19 **SEC. 5. IMPLEMENTATION.**

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

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

4 (2) the master calendar requirements under
5 section 482 of the Higher Education Act of 1965
6 (20 U.S.C. 1089);

7 (3) negotiated rulemaking under section 492 of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1098a); and

10 (4) the requirement to publish the notices re-
11 lated to the system of records of the agency before
12 implementation required under paragraphs (4) and
13 (11) of section 552a(e) of title 5, United States
14 Code (commonly known as the “Privacy Act of
15 1974”), except that the notices shall be published
16 not later than 180 days after the date of enactment
17 of this Act.

Passed the Senate April 27, 2021.

Attest:

Secretary.

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