

TITLE IV - PART B

SEC. 429. LOAN FORGIVENESS FOR TEACHERS EMPLOYED BY EDUCATIONAL SERVICE AGENCIES.

1. Section 428J (20 U.S.C. 1078-10) is amended--

(1) in subsection (b)(1)(A)--

(A) by inserting 'or location' after 'a school'; and

(B) by inserting 'or locations' after 'schools';

(2) in subsection (c)(1), by striking the second sentence;

(3) in subsection (c)(3)(B)(iii), by inserting 'or, in the case of a teacher who is employed by an educational service agency, as certified by the chief administrative officer of such agency,' after 'borrower is employed,'; and

(4) in subsection (g), by striking paragraph (2) and inserting the following:

“(2) PREVENTION OF DOUBLE BENEFITS- No borrower may, for the same service, receive a benefit under both this section and--

“(A) section 428K;

“(B) section 455(m);

“(C) section 460; or

“(D) subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).”.

SEC. 430. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078-11) is amended to read as follows:

“SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

“(a) Program Authorized-

“(1) LOAN FORGIVENESS AUTHORIZED- The Secretary shall forgive, in accordance with this section, the qualified loan amount described in subsection (c) of the student loan obligation of a borrower who--

“(A) is employed full-time in an area of national need, as described in subsection (b); and

`(B) is not in default on a loan for which the borrower seeks forgiveness.

`(2) METHOD OF LOAN FORGIVENESS- To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program--

`(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part (other than an excepted PLUS loan or an excepted consolidation loan (as such terms are defined in section 493C(a))); and

`(B) to cancel a qualified loan amount for a loan made under part D of this title (other than an excepted PLUS loan or an excepted consolidation loan).

`(3) REGULATIONS- The Secretary is authorized to issue such regulations as may be necessary to carry out this section.

`(b) Areas of National Need- For purposes of this section, an individual is employed in an area of national need if the individual meets the requirements of one of the following:

`(1) EARLY CHILDHOOD EDUCATORS- The individual is employed full-time as an early childhood educator.

`(2) NURSES- The individual is employed full-time--

`(A) as a nurse in a clinical setting; or

`(B) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

`(3) FOREIGN LANGUAGE SPECIALISTS- The individual--

`(A) has obtained a baccalaureate or advanced degree in a critical foreign language; and

`(B) is employed full-time--

`(i) in an elementary school or secondary school as a teacher of a critical foreign language;

`(ii) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language; or

`(iii) in an institution of higher education as a faculty member or instructor teaching a critical foreign language.

`(4) LIBRARIANS- The individual is employed full-time as a librarian in--

`(A) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of the schools' total

student enrollments composed of children meeting a measure of poverty under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

`(B) a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.

`(5) HIGHLY QUALIFIED TEACHERS SERVING STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT, LOW-INCOME COMMUNITIES, AND UNDERREPRESENTED POPULATIONS- The individual--

`(A) is highly qualified, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

`(B) is employed full-time--

`(i) as a teacher educating students who are limited English proficient;

`(ii) as a teacher in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school;

`(iii) as a teacher and is an individual from an underrepresented population in the teaching profession, as determined by the Secretary; or

`(iv) as a teacher in an educational service agency, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965.

`(6) CHILD WELFARE WORKERS- The individual--

`(A) has obtained a degree in social work or a related field with a focus on serving children and families; and

`(B) is employed full-time in public or private child welfare services.

`(7) SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS- The individual--

`(A) is employed full-time as a speech-language pathologist or audiologist in an eligible preschool program or a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; and

`(B) has, at a minimum, a graduate degree in speech-language pathology, audiology, or communication sciences and disorders.

`(8) SCHOOL COUNSELORS- The individual is employed full-time as a school counselor (as such term is defined in section 5421(e) of the Elementary and

Secondary Education Act of 1965), in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.

`(9) PUBLIC SECTOR EMPLOYEES- The individual is employed full-time in--

`(A) public safety (including as a first responder, firefighter, police officer, or other law enforcement or public safety officer);

`(B) emergency management (including as an emergency medical technician);

`(C) public health (including full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics); or

`(D) public interest legal services (including prosecution, public defense, or legal advocacy in low-income communities at a nonprofit organization).

`(10) NUTRITION PROFESSIONALS- The individual--

`(A) is a licensed, certified, or registered dietician who has completed a degree in a relevant field; and

`(B) is employed full-time as a dietician with an agency of the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

`(11) MEDICAL SPECIALISTS- The individual--

`(A) has received a degree from a medical school at an institution of higher education; and

`(B) has been accepted to, or currently participates in, a full-time graduate medical education training program or fellowship (or both) to provide health care services (as recognized by the Accreditation Council for Graduate Medical Education) that--

`(i) requires more than five years of total graduate medical training; and

`(ii) has fewer United States medical school graduate applicants than the total number of positions available in such program or fellowship.

`(12) MENTAL HEALTH PROFESSIONALS- The individual--

`(A) has not less than a master's degree in social work, psychology, or psychiatry; and

`(B) is employed full-time providing mental health services to children, adolescents, or veterans.

`(13) DENTISTS- The individual--

`(A)(i) has received a degree from an accredited dental school (as accredited by the Commission on Dental Accreditation);

`(ii) has completed residency training in pediatric dentistry, general dentistry, or dental public health; and

`(iii) is employed full-time as a dentist; or

`(B) is employed full-time as a member of the faculty at a program or school accredited by the Commission on Dental Accreditation.

`(14) STEM EMPLOYEES- The individual is employed full-time in applied sciences, technology, engineering, or mathematics.

`(15) PHYSICAL THERAPISTS- The individual--

`(A) is a physical therapist; and

`(B) is employed full-time providing physical therapy services to children, adolescents, or veterans.

`(16) SUPERINTENDENTS, PRINCIPALS, AND OTHER ADMINISTRATORS- The individual is employed full-time as a school superintendent, principal, or other administrator in a local educational agency, including in an educational service agency, in which 30 percent or more of the schools are schools that qualify under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.

`(17) OCCUPATIONAL THERAPISTS- The individual is an occupational therapist and is employed full-time providing occupational therapy services to children, adolescents, or veterans.

`(c) Qualified Loan Amount-

`(1) IN GENERAL- Subject to paragraph (2), for each school, academic, or calendar year of full-time employment in an area of national need described in subsection (b) that a borrower completes on or after the date of enactment of the Higher Education Opportunity Act, the Secretary shall forgive not more than \$2,000 of the student loan obligation of the borrower that is outstanding after the completion of each such school, academic, or calendar year of employment, respectively.

`(2) MAXIMUM AMOUNT- The Secretary shall not forgive more than \$10,000 in the aggregate for any borrower under this section, and no borrower shall receive loan forgiveness under this section for more than five years of service.

`(d) Priority- The Secretary shall grant loan forgiveness under this section on a first-come, first-served basis, and subject to the availability of appropriations.

`(e) Rule of Construction- Nothing in this section shall be construed to authorize the refunding of any repayment of a loan.

`(f) Ineligibility for Double Benefits- No borrower may, for the same service, receive a reduction of loan obligations under both this section and section 428J, 428L, 455(m), or 460.

`(g) Definitions- In this section:

`(1) AUDIOLOGIST- The term `audiologist' means an individual who--

`(A) has received, at a minimum, a graduate degree in audiology from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a); and

`(B)(i) provides audiology services under subsection (II)(2) of section 1861 of the Social Security Act (42 U.S.C. 1395x(II)(2)); or

`(ii) meets or exceeds the qualifications for a qualified audiologist under subsection (II)(4) of such section (42 U.S.C. 1395x(II)(4)).

`(2) EARLY CHILDHOOD EDUCATOR- The term `early childhood educator' means an individual who--

`(A) works directly with children in an eligible preschool program or eligible early childhood education program in a low-income community;

`(B) is involved directly in the care, development, and education of infants, toddlers, or young children age five and under; and

`(C) has completed a baccalaureate or advanced degree in early childhood development or early childhood education, or in a field related to early childhood education.

`(3) ELIGIBLE PRESCHOOL PROGRAM- The term `eligible preschool program' means a program that--

`(A) provides for the care, development, and education of infants, toddlers, or young children age five and under;

`(B) meets any applicable State or local government licensing, certification, approval, and registration requirements, and

`(C) is operated by--

`(i) a public or private school that is supported, sponsored, supervised, or administered by a local educational agency;

`(ii) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

`(iii) a nonprofit or community based organization; or

`(iv) a child care program, including a home.

`(4) ELIGIBLE EARLY CHILDHOOD EDUCATION PROGRAM- The term 'eligible early childhood education program' means--

`(A) a family child care program, center-based child care program, State prekindergarten program, school program, or other out-of-home early childhood development care program, that--

`(i) is licensed or regulated by the State; and

`(ii) serves two or more unrelated children who are not old enough to attend kindergarten;

`(B) a Head Start Program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); or

`(C) an Early Head Start Program carried out under section 645A of the Head Start Act (42 U.S.C. 9840a).

`(5) LOW-INCOME COMMUNITY- The term 'low-income community' means a school attendance area (as defined in section 1113(a)(2)(A) of the Elementary and Secondary Education Act of 1965)--

`(A) in which 70 percent of households earn less than 85 percent of the State median household income; or

`(B) that includes a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.

`(6) NURSE- The term 'nurse' means a nurse who meets all of the following:

`(A) The nurse graduated from--

`(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));

`(ii) a nursing center; or

`(iii) an academic health center that provides nurse training.

`(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.

`(C) The nurse holds one or more of the following:

`(i) A graduate degree in nursing, or an equivalent degree.

`(ii) A nursing degree from a collegiate school of nursing (as defined in

section 801 of the Public Health Service Act (42 U.S.C. 296)).

`(iii) A nursing degree from an associate degree school of nursing (as defined in such section).

`(iv) A nursing degree from a diploma school of nursing (as defined in such section).

`(7) OCCUPATIONAL THERAPIST- The term `occupational therapist' means an individual who--

`(A) has received, at a minimum, a baccalaureate degree in occupational therapy from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a); and

`(B)(i) provides occupational therapy services under section 1861(g) of the Social Security Act (42 U.S.C. 1395x(g)); or

`(ii) meets or exceeds the qualifications for a qualified occupational therapist, as determined by State law.

`(8) PHYSICAL THERAPIST- The term `physical therapist' means an individual who--

`(A) has received, at a minimum, a graduate degree in physical therapy from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a); and

`(B)(i) provides physical therapy services under section 1861(p) of the Social Security Act (42 U.S.C. 1395x(p)); or

`(ii) meets or exceeds the qualifications for a qualified physical therapist, as determined by State law.

`(9) SPEECH-LANGUAGE PATHOLOGIST- The term `speech-language pathologist' means a speech-language pathologist who--

`(A) has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a); and

`(B) provides speech-language pathology services under section 1861(ll)(1) of the Social Security Act (42 U.S.C. 1395x(ll)(1)), or meets or exceeds the qualifications for a qualified speech-language pathologist under subsection (ll)(3) of such section (42 U.S.C. 1395x(ll)(3)).

`(h) Authorization of Appropriations- There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five

succeeding fiscal years to provide loan forgiveness in accordance with this section.'

SEC. 431. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

Part B of title IV (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K the following:

`SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

`(a) Purpose- The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

`(b) Definitions- In this section:

`(1) CIVIL LEGAL ASSISTANCE ATTORNEY- The term `civil legal assistance attorney' means an attorney who--

`(A) is a full-time employee of--

`(i) a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee; or

`(ii) a protection and advocacy system or client assistance program that provides legal assistance with respect to civil matters and receives funding under--

`(I) subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.);

`(II) section 112 or 509 of the Rehabilitation Act of 1973 (29 U.S.C. 732, 794e);

`(III) part A of title I of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.);

`(IV) section 5 of the Assistive Technology Act of 1998 (29 U.S.C. 3004);

`(V) section 1150 of the Social Security Act (42 U.S.C. 1320b-21);

`(VI) section 1253 of the Public Health Service Act (42 U.S.C. 300d-53); or

`(VII) section 291 of the Help America Vote Act of 2002 (42 U.S.C. 15461);

`(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

`(C) is continually licensed to practice law.

`(2) STUDENT LOAN-

`(A) IN GENERAL- Except as provided in subparagraph (B), the term `student loan' means--

`(i) subject to clause (ii), a loan made, insured, or guaranteed under this part, part D, or part E; and

`(ii) a loan made under section 428C or 455(g), to the extent that such loan was used to repay--

`(I) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

`(II) a loan made under section 428, 428B, or 428H; or

`(III) a loan made under part E.

`(B) EXCLUSION OF PARENT PLUS LOANS- The term `student loan' does not include any of the following loans:

`(i) A loan made to the parents of a dependent student under section 428B.

`(ii) A Federal Direct PLUS Loan made to the parents of a dependent student.

`(iii) A loan made under section 428C or 455(g), to the extent that such loan was used to repay--

`(I) a loan made to the parents of a dependent student under section 428B; or

`(II) a Federal Direct PLUS Loan made to the parents of a dependent student.

`(c) Program Authorized- From amounts appropriated under subsection (i) for a fiscal year, the Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who--

`(1) is employed as a civil legal assistance attorney; and

`(2) is not in default on a loan for which the borrower seeks repayment.

`(d) Terms of Agreement-

`(1) IN GENERAL- To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that--

`(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than three years, unless involuntarily separated from that employment;

`(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

`(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

`(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be contrary to the public interest; and

`(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

`(2) REPAYMENTS-

`(A) IN GENERAL- Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

`(B) MERGER- Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

`(3) LIMITATIONS-

`(A) STUDENT LOAN PAYMENT AMOUNT- Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed--

`(i) \$6,000 for any borrower in any calendar year; or

`(ii) an aggregate total of \$40,000 in the case of any borrower.

`(B) BEGINNING OF PAYMENTS- Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

`(e) Additional Agreements-

`(1) IN GENERAL- On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

`(2) TERM- An agreement entered into under paragraph (1) may require the borrower to remain employed as a civil legal assistance attorney for less than three years.

`(f) Award Basis; Priority-

`(1) AWARD BASIS- Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

`(2) PRIORITY- The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who--

`(A) has practiced law for five years or less and, for not less than 90 percent of the time in such practice, has served as a civil legal assistance attorney;

`(B) received repayment benefits under this section during the preceding fiscal year; and

`(C) has completed less than three years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

`(g) Ineligibility for Double Benefits- No borrower may, for the same service, receive a reduction of loan obligations under both this section and section 428K or 455(m).

`(h) Regulations- The Secretary is authorized to issue such regulations as may be necessary to carry out this section.

`(i) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.'