

ational service agency, as certified by the chief administrative officer of such agency,” after “borrower is employed.”

Subsec. (g)(2). Pub. L. 110-315, §429(4), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “No borrower may, for the same service, receive a benefit under both this subsection and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)”

2006—Subsec. (b)(1)(B). Pub. L. 109-171, §8013(e)(1)(A), inserted “, or meets the requirements of subsection (g)(3)” after “section 7801 of this title”.

Subsec. (g)(3). Pub. L. 109-171, §8013(e)(1)(B), added par. (3).

2004—Subsec. (b)(1). Pub. L. 108-409, §3(a)(1)(A), added subpar. (B) and struck out former subpars. (B) and (C) which read as follows:

“(B) if employed as a secondary school teacher, is teaching a subject area that is relevant to the borrower’s academic major as certified by the chief administrative officer of the public or nonprofit private secondary school in which the borrower is employed; and

“(C) if employed as an elementary school teacher, has demonstrated, as certified by the chief administrative officer of the public or nonprofit private elementary school in which the borrower is employed, knowledge and teaching skills in reading, writing, mathematics, and other areas of the elementary school curriculum; and”.

Subsec. (c)(3). Pub. L. 108-409, §3(b)(1), added par. (3).

1998—Pub. L. 105-244 amended section catchline and text generally. Prior to amendment, section authorized Secretary to carry out demonstration program for loan forgiveness for teachers, individuals performing national community service, and nurses.

1993—Subsec. (b)(1). Pub. L. 103-208, §2(c)(47), substituted “section” for “sections” in introductory provisions.

Pub. L. 103-82, §102(c)(2)(A), substituted “October 1, 1989” for “October 1, 1992” in introductory provisions.

Subsec. (b)(1)(B). Pub. L. 103-208, §2(c)(48), substituted “serves as a full-time volunteer” for “agrees in writing to volunteer for service”.

Subsec. (c)(1). Pub. L. 103-208, §2(c)(49), substituted “year of service” for “academic year” wherever appearing.

Subsec. (c)(5). Pub. L. 103-82, §102(c)(2)(B), added par. (5).

Subsec. (d). Pub. L. 103-208, §2(c)(50), substituted “to eligible” for “of eligibility” in heading.

Subsec. (e). Pub. L. 103-208, §2(c)(51), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “Each eligible individual desiring loan repayment under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.”

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-171 effective July 1, 2006, except as otherwise provided, see section 8001(c) of Pub. L. 109-171, set out as a note under section 1002 of this title.

EFFECTIVE DATE OF 2004 AMENDMENT; TRANSITION RULE

Pub. L. 108-409, §3(a)(2), Oct. 30, 2004, 118 Stat. 2300, provided that:

“(A) RULE.—The amendments made by paragraph (1) of this subsection to sections 428J(b)(1) and 460(b)(1)(A) of the Higher Education Act of 1965 [sections 1078-10(b)(1) and 1087j(b)(1)(A) of this title] shall not be applied to disqualify any individual who, before the

date of enactment of this Act [Oct. 30, 2004], commenced service that met and continues to meet the requirements of such sections as such sections were in effect on the day before the date of enactment of this Act.

“(B) RULE NOT APPLICABLE TO INCREASED QUALIFIED LOAN AMOUNTS.—Subparagraph (A) of this paragraph shall not apply for purposes of obtaining increased qualified loan amounts under sections 428J(c)(3) and 460(c)(3) of the Higher Education Act of 1965 [sections 1078-10(c)(3) and 1087j(c)(3) of this title] as added by subsection (b) of this section.”

Pub. L. 108-409, §3(b)(3), Oct. 30, 2004, 118 Stat. 2301, as amended by Pub. L. 109-150, §2(c)(1), Dec. 30, 2005, 119 Stat. 2884; Pub. L. 109-171, title VIII, §8013(c)(2), (d)(1), Feb. 8, 2006, 120 Stat. 167, provided that: “The amendments made by this subsection [amending this section and section 1087j of this title] shall apply only with respect to eligible individuals who are new borrowers (as such term is defined in 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) on or after October 1, 1998.”

[Pub. L. 109-150, §2(c)(1), which amended section 3(b)(3) of Pub. L. 108-409, set out above, was repealed by Pub. L. 109-171, §8013(d)(1), eff. July 1, 2006.]

[Amendment by Pub. L. 109-150 effective as if enacted on Oct. 1, 2005, see section 2(d)(2) of Pub. L. 109-150, set out as an Effective Date of 2005 Amendment note under section 1087-1 of this title.]

[Amendment by Pub. L. 109-171, §8013(c)(2), effective as if enacted on Oct. 1, 2005, and as if amendment by section 2(c)(1) of Pub. L. 109-150 had not been enacted, see section 8013(c)(3), (d)(2) of Pub. L. 109-171, set out as notes under section 1087-1 of this title.]

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

EFFECTIVE DATE OF 1993 AMENDMENTS

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of this title.

Amendment by Pub. L. 103-82 effective Oct. 1, 1993, see section 123 of Pub. L. 103-82, set out as a note under section 1701 of Title 16, Conservation.

INFORMATION ON BENEFITS TO RURAL SCHOOL DISTRICTS

Pub. L. 108-409, §3(c), Oct. 30, 2004, 118 Stat. 2302, provided that: “The Secretary shall—

“(1) notify local educational agencies eligible to participate in the Small Rural Achievement Program authorized under subpart 1 of part B of title VI of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7345 et seq.] of the benefits available under the amendments made by this section [amending this section and section 1087j of this title]; and

“(2) encourage such agencies to notify their teachers of such benefits.”

§ 1078-11. 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 1098e(a) of this title)); and

(B) to cancel a qualified loan amount for a loan made under part C of this subchapter (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 296 of title 42).

(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 6313(a)(5) of this title; or

(B) a school that qualifies under section 1087ee(a)(2)(A) of this title 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 7801 of this title; 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 1087ee(a)(2)(A) of this title 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 7801 of this title.

(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 1087ee(a)(2)(A) of this title 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 7245(e) of this title), in a school that qualifies under section 1087ee(a)(2)(A) of this title 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 professional 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 non-profit 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 1786 of title 42.

(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 1087ee(a)(2)(A) of this title 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.

(18) Allied health professionals

The individual is employed full-time as an allied health professional—

(A) in a Federal, State, local, or tribal public health agency; or

(B) in a setting where patients might require health care services, including acute care facilities, ambulatory care facilities, personal residences and other settings located in health professional shortage areas, medically underserved areas, or medically underserved populations, as recognized by the Secretary of Health and Human Services.

(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 August 14, 2008, 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 1078-10, 1078-12, 1087e(m), or 1087j of this title.

(g) Definitions

In this section:

(1) Allied health professional

The term “allied health professional” means an allied health professional as defined in section 295p(5) of title 42 who—

(A) has graduated and received an allied health professions degree or certificate from an institution of higher education; and

(B) is employed with a Federal, State, local or tribal public health agency, or in a setting where patients might require health care services, including acute care facilities, ambulatory care facilities, personal residences and other settings located in health professional shortage areas, medically underserved areas, or medically underserved populations, as recognized by the Secretary of Health and Human Services.

(2) 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 1099b(a) of this title; and

(B)(i) provides audiology services under subsection (l)(2) of section 1395x of title 42; or

(ii) meets or exceeds the qualifications for a qualified audiologist under subsection (l)(4) of such section.

(3) 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.

(4) 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.

(5) 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).

(6) Low-income community

The term “low-income community” means a school attendance area (as defined in section 6313(a)(2)(A) of this title)—

(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 1087ee(a)(2)(A) of this title for loan cancellation for Perkins loan recipients who teach in such a school.

(7) 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 296 of title 42);

(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 296 of title 42).

(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).

(8) 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 1099b(a) of this title; and

(B)(i) provides occupational therapy services under section 1395x(g) of title 42; or

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

(9) 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 1099b(a) of this title; and

(B)(i) provides physical therapy services under section 1395x(p) of title 42; or

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

(10) 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 1099b(a) of this title; and

(B) provides speech-language pathology services under section 1395x(*ll*)(1) of title 42, or meets or exceeds the qualifications for a qualified speech-language pathologist under subsection (*ll*)(4) of such section.

(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.

(Pub. L. 89-329, title IV, §428K, as added Pub. L. 105-244, title IV, §425, Oct. 7, 1998, 112 Stat. 1699; amended Pub. L. 110-315, title IV, §430, Aug. 14, 2008, 122 Stat. 3236; Pub. L. 111-39, title IV, §402(f)(7), July 1, 2009, 123 Stat. 1944; Pub. L. 111-148, title V, §5205(b), Mar. 23, 2010, 124 Stat. 611.)

REFERENCES IN TEXT

The Head Start Act, referred to in subsec. (g)(4)(C)(ii), (5)(B), is subchapter B (§635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

AMENDMENTS

2010—Subsec. (b)(18). Pub. L. 111-148, §5205(b)(1), added par. (18).

Subsec. (g). Pub. L. 111-148, §5205(b)(2), added par. (1) and redesignated former pars. (1) to (9) as (2) to (10), respectively.

2009—Subsec. (g)(9)(B). Pub. L. 111-39 substituted “under subsection (*ll*)(4) of such section” for “under subsection (*ll*)(3) of such section”.

2008—Pub. L. 110-315 amended section generally. Prior to amendment, section related to loan forgiveness for child care providers.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as an Effective Date of 1998 Amendment note under section 1001 of this title.

ALLIED HEALTH WORKFORCE RECRUITMENT AND RETENTION PROGRAMS

Pub. L. 111-148, title V, §5205(a), Mar. 23, 2010, 124 Stat. 611, provided that: “The purpose of this section [amending this section] is to assure an adequate supply of allied health professionals to eliminate critical allied health workforce shortages in Federal, State, local, and tribal public health agencies or in settings where patients might require health care services, including acute care facilities, ambulatory care facilities, personal residences and other settings, as recognized by the Secretary of Health and Human Services by authorizing an Allied Health Loan Forgiveness Program.”

[For definition of “Allied Health Loan Forgiveness Program” as used in section 5205(a) of Pub. L. 111-148, set out above, see section 5002(a) of Pub. L. 111-148, set out as a note under section 294q of Title 42, The Public Health and Welfare.]

§ 1078-12. 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 732 or 794e of title 29;

(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 3004 of title 29;

(V) section 1320b-21 of title 42;

(VI) section 300d-53 of title 42; or

(VII) section 21061 of title 52;

(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 C, or part D; and

(ii) a loan made under section 1078-3 or 1087e(g) of this title, 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 1078, 1078-2, or 1078-8 of this title; or

(III) a loan made under part D.

(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 1078-2 of this title.

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

(iii) A loan made under section 1078-3 or 1087e(g) of this title, to the extent that such loan was used to repay—

(I) a loan made to the parents of a dependent student under section 1078-2 of this title; or

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