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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Higher Education Act of 1965 to ensure that members of the reserve components of the Armed Forces who perform duty other than active duty for a period of more than 30 days receive appropriate credit toward public service loan forgiveness, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MAGAZINER introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Higher Education Act of 1965 to ensure that members of the reserve components of the Armed Forces who perform duty other than active duty for a period of more than 30 days receive appropriate credit toward public service loan forgiveness, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Guard and
5 Reserve Student Loan Fairness Act”.

1 **SEC. 2. SPECIAL RULE FOR MEMBERS OF THE RESERVE**
2 **COMPONENTS OF THE ARMED FORCES PER-**
3 **FORMING CERTAIN DUTY.**

4 Section 455(m) of the Higher Education Act of 1965
5 (20 U.S.C. 1087e(m)) is amended by adding at the end
6 the following:

7 “(5) SPECIAL RULE FOR A MEMBER OF THE
8 RESERVE COMPONENTS OF THE ARMED FORCES
9 PERFORMING CERTAIN DUTY.—

10 “(A) CALCULATION OF QUALIFYING PAY-
11 MENTS BASED ON MONTHS SERVED.—With re-
12 spect to a borrower who is a member of a re-
13 serve component of an Armed Force, the Sec-
14 retary shall deem a month of covered duty (as
15 calculated under subparagraph (B)) to be a
16 month for which a qualifying payment was
17 made under paragraph (1) if—

18 “(i) except as provided in subpara-
19 graph (D)(ii), for each month of such cov-
20 ered duty (as so calculated), during the
21 year in which such month occurred, the
22 borrower made a corresponding monthly
23 payment on an eligible Federal Direct
24 Loan; and

25 “(ii) such corresponding monthly pay-
26 ment—

1 “(I) met the requirements of
2 paragraph (1); or

3 “(II) in the case of a borrower
4 not employed full-time in a public
5 service job at the time the payment
6 was made, such payment would have
7 met the requirements of paragraph
8 (1) had the borrower been employed
9 full-time in a public service job at the
10 time of such payment.

11 “(B) CALCULATION OF MONTHS OF COV-
12 ERED DUTY.—Except as provided in subpara-
13 graph (C), the number of months that a bor-
14 rower described in subparagraph (A) shall be
15 considered to have performed covered duty in a
16 year for purposes of subparagraph (A) shall be
17 equal to—

18 “(i) the number days the member per-
19 formed covered duty in such year, divided
20 by

21 “(ii) twenty; and

22 “(iii) rounded to the nearest whole
23 number.

24 “(C) MINIMUM PERIOD.—A borrower de-
25 scribed in subparagraph (A) who performed

1 covered duty for a total period of less than 10
2 days in a year may not receive credit for a
3 qualifying monthly payment under this para-
4 graph.

5 “(D) NO ANNUAL CAP ON NUMBER OF
6 QUALIFYING PAYMENTS CREDITED TO A BOR-
7 ROWER.—

8 “(i) IN GENERAL.—A borrower de-
9 scribed in subparagraph (A) may receive
10 credit for more than 12 qualifying monthly
11 payments in a year if each such payment
12 qualifies to be counted under this para-
13 graph or paragraph (1).

14 “(ii) EXCEPTION TO REQUIREMENT
15 FOR CORRESPONDING MONTHLY PAY-
16 MENT.—The requirement for a borrower to
17 make a corresponding payment for each
18 month credited as qualifying payment
19 under this paragraph, as described in
20 clauses (i) and (ii) of subparagraph (A),
21 shall not apply to any qualifying payment
22 in excess of the twelfth payment credited
23 to a borrower for a year.

24 “(E) DEFINITIONS.—In this paragraph:

1 “(i) The term ‘covered duty’ means
2 any Federal or State duty (including inac-
3 tive duty training, active duty training,
4 and active duty) performed by a member
5 of a reserve component of an Armed Force,
6 except such term does not include active
7 duty for a period of more than 30 days.

8 “(ii) The terms ‘Armed Force’ and
9 ‘active duty for a period of more than 30
10 days’ have the meanings given those terms
11 in section 101 of title 10, United States
12 Code.”.