§ 685.219 Public Service Loan Forgiveness Program.

(a) General. The Public Service Loan Forgiveness Program is intended to encourage individuals to enter and continue in full-time public service employment by forgiving the remaining balance of their Direct loans after they satisfy the public service and loan payment requirements of this section.

(b) Definitions. The following definitions apply to this section:

AmeriCorps position means a position approved by the Corporation for National and Community Service under section 123 of the National and Community Service Act of 1990 (42 U.S.C. 12573).

Eligible Direct loan means a Direct Subsidized Loan, Direct Unsubsidized Loan, Direct PLUS Loan, or Direct Consolidation Loan for which amounts were owed on September 11, 2001, or outstanding Direct Consolidation Loans incurred to pay off loan amounts that were owed on September 11, 2001.

Eligible Direct lender means the holder of a Direct loan that was made to pay the costs of undergraduate education of an eligible public servant or eligible victim.

Eligible public servant means any individual employed as a public servant that is, or was at any time after entry into the public service, an employee of the Federal government, or an employee of any State or local government, or of any instrumentality, agency, or subdivision of a State or local government.

Eligible victim means any individual, who before September 11, 2001, was employed as a teacher in a public elementary or secondary school and was employed in a public service that is directly related to the terroristic activities of September 11, 2001.

§ 685.219 (iv) A sworn statement (or an unsworn statement complying with 28 U.S.C. 1746) regarding the presence of the eligible public servant or eligible victim at the site.

(3) To establish that the disability of the eligible public servant or eligible victim is due to injuries suffered in the terrorist attacks on September 11, 2001, such additional information may include but is not limited to—

(i) Contemporaneous medical records of hospitals, clinics, physicians, or other licensed medical personnel;

(ii) Registries maintained by federal, state, or local governments; or

(iii) Records of all continuing medical treatment.

(4) To establish the borrower’s relationship to the eligible public servant or eligible victim, such additional information may include but is not limited to—

(i) Copies of relevant legal records including court orders, letters of testamentary or similar documentation;

(ii) Copies of wills, trusts, or other testamentary documents; or

(iii) Copies of approved joint FFEL or Direct Consolidation Loan applications or an approved Direct PLUS Loan application.

(g) Limitations on discharge. (1) Only outstanding Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans and Direct Consolidation Loans for which amounts were owed on September 11, 2001, or outstanding Direct Consolidation Loans incurred to pay off loan amounts that were owed on September 11, 2001, are eligible for discharge under this section.

(2)(i) Eligibility for a discharge under this section does not qualify a borrower for a refund of any payments made on the borrower’s Direct Loans prior to the date the loan was discharged.

(ii) A borrower may apply for a partial discharge of a Direct Consolidation loan due to death or total and permanent disability under the procedures in § 685.212(a) or § 685.213. If the borrower is granted a partial discharge under the procedures in § 685.212(a) or § 685.213 the borrower may qualify for a refund of payments in accordance with § 685.212(g)(1) or § 685.212(g)(2).

(iii) A borrower may apply for a discharge of a Direct PLUS loan due to the death of the student for whom the borrower received the PLUS loan under the procedures in § 685.212(a). If a borrower is granted a discharge under the procedures in § 685.212(a), the borrower may qualify for a refund of payments in accordance with § 685.212(g)(1).

(3) A determination that an eligible public servant or an eligible victim became permanently and totally disabled due to injuries suffered in the terrorist attacks on September 11, 2001 for purposes of this section does not qualify the eligible public servant or the eligible victim for a discharge based on a total and permanent disability under § 685.213.

(4) The spouse of an eligible public servant or eligible victim may not receive a discharge under this section if the eligible public servant or eligible victim has been identified as a participant or conspirator in the terrorist-related aircraft crashes on September 11, 2001. An eligible parent may not receive a discharge on a Direct PLUS Loan or on a Direct Consolidation Loan that was used to repay a Direct Loan or FFEL Program PLUS Loan incurred on behalf of an individual who has been identified as a participant or conspirator in the terrorist-related aircraft crashes on September 11, 2001.

Loan, Direct PLUS loan, or a Direct Consolidation loan.

**Employee or employed** means an individual who is hired and paid by a public service organization.

**Full-time** (1) means working in qualifying employment in one or more jobs for the greater of—

(i) (A) An annual average of at least 30 hours per week, or
(B) For a contractual or employment period of at least 8 months, an average of 30 hours per week; or
(ii) Unless the qualifying employment is with two or more employers, the number of hours the employer considers full-time.

(2) Vacation or leave time provided by the employer or leave taken for a condition that is a qualifying reason for leave under the Family and Medical Leave Act of 1993, 29 U.S.C. 2612(a)(1) and (3) is not considered in determining the average hours worked on an annual or contract basis.

**Government employee** means an individual who is employed by a local, State, Federal, or Tribal government, but does not include a member of the U.S. Congress.

**Law enforcement** means service performed by an employee of a public service organization that is publicly funded and whose principal activities pertain to crime prevention, control or reduction of crime, or the enforcement of criminal law.

**Military service**, for uniformed members of the U.S. Armed Forces or the National Guard, means “active duty” service or “full-time National Guard duty” as defined in section 101(d)(1) and (d)(5) of title 10 in the United States Code, but does not include active duty for training or attendance at a service school. For civilians, “Military service” means service on behalf of the U.S. Armed Forces or the National Guard performed by an employee of a public service organization.

**Peace Corps position** means a full-time assignment under the Peace Corps Act as provided for under 22 U.S.C. 2504.

**Public interest law** refers to legal services provided by a public service organization that are funded in whole or in part by a local, State, Federal, or Tribal government.

**Public service organization** means:

(1) A Federal, State, local, or Tribal government organization, agency, or entity;
(2) A public child or family service agency;
(3) A non-profit organization under section 501(c)(3) of the Internal Revenue Code that is exempt from taxation under section 501(a) of the Internal Revenue Code;
(4) A Tribal college or university; or
(5) A private organization that—

(i) Provides the following public services: Emergency management, military service, public safety, law enforcement, public interest law services, early childhood education (including licensed or regulated child care, Head Start, and State funded pre-kindergarten), public service for individuals with disabilities and the elderly, public health (including nurses, nurse practitioners, nurses in a clinical setting, and 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), public education, public library services, school library or other school-based services; and
(ii) Is not a business organized for profit, a labor union, a partisan political organization, or an organization engaged in religious activities, unless the qualifying activities are unrelated to religious instruction, worship services, or any form of proselytizing.

**Borrower eligibility.** (1) A borrower may obtain loan forgiveness under this program if he or she—

(i) Is not in default on the loan for which forgiveness is requested;
(ii) Is employed full-time by a public service organization or serving in a full-time AmeriCorps or Peace Corps position—

(A) When the borrower makes the 120 monthly payments described under paragraph (c)(1)(iii) of this section;
(B) At the time of application for loan forgiveness; and
(C) At the time the remaining principal and accrued interest are forgiven;
(iii) Makes 120 separate monthly payments after October 1, 2007, on eligible Direct loans for which forgiveness is sought. Except as provided in paragraph (c)(2) of this section for a borrower in an AmeriCorps or Peace Corps...
position, the borrower must make the
monthly payments within 15 days of
the scheduled due date for the full
scheduled installment amount; and
(iv) Makes the required 120 monthly
payments under one or more of the fol-
lowing repayment plans—
(A) Except for a parent PLUS bor-
rower, an income-based repayment
plan, as determined in accordance with
§ 685.221;
(B) Except for a parent PLUS bor-
rower, an income-contingent repay-
ment plan, as determined in accord-
ance with § 685.209;
(C) A standard repayment plan, as de-
termined in accordance with
§ 685.208(b); or
(D) Any other repayment plan if the
monthly payment amount paid is not
less than what would have been paid
under the Direct Loan standard repay-
ment plan described in § 685.208(b).
(2) If a borrower makes a lump sum
payment on an eligible loan for which
the borrower is seeking forgiveness by
using all or part of a Segal Education
Award received after a year of
AmeriCorps service, or by using all or
part of a Peace Corps transition pay-
ment if the lump sum payment is made
no later than six months after leaving
the Peace Corps, the Secretary will
consider the borrower to have made
qualifying payments equal to the lesser
of—
(i) The number of payments resulting
after dividing the amount of the lump
sum payment by the monthly payment
amount the borrower would have made
under paragraph (c)(1)(iv) of this sec-
tion; or
(ii) Twelve payments.
(d) Forgiveness Amount. The Secretary
forgives the principal and accrued in-
terest that remains on all eligible
loans for which loan forgiveness is re-
quested by the borrower. The Secretary
forbears this amount after the bor-
rower makes the 120 monthly qualifi-
ying payments under paragraph (c) of
this section.
(e) Application. (1) After making the
120 monthly qualifying payments on
the eligible loans for which loan for-
giveness is requested, a borrower may
request loan forgiveness on a form pro-
vided by the Secretary.
(2) If the Secretary determines that
the borrower meets the eligibility re-
quirements for loan forgiveness under
this section, the Secretary—
(i) Notifies the borrower of this de-
termination; and
(ii) Forbears the outstanding balance
of the eligible loans.
(3) If the Secretary determines that
the borrower does not meet the eligi-
bility requirements for loan forgive-
lessness under this section, the Secretary
resumes collection of the loan and
grants forbearance of payment on both
principal and interest for the period in
which collection activity was sus-
pended. The Secretary notifies the bor-
rower that the application has been de-
nied, provides the basis for the denial,
and informs the borrower that the Sec-
retary will resume collection of the
loan. The Secretary may capitalize any
interest accrued and not paid during this
period.

(Authority: 20 U.S.C. 1087e(m))
[73 FR 63256, Oct. 23, 2008, as amended at 74
FR 56005, Oct. 29, 2009]

§ 685.220 Consolidation.
(a) Direct Consolidation Loans. A bor-
rower may consolidate education loans
made under certain Federal programs
into a Direct Consolidation Loan. Loans
consolidated into a Direct Con-
solidation Loan are discharged when
the Direct Consolidation Loan is origi-
nated.
(b) Loans eligible for consolidation. The
following loans may be consolidated
into a Direct Consolidation Loan:
(1) Federal Subsidized Stafford
Loans.
(2) Guaranteed Student Loans.
(3) Federal Insured Student Loans
(FISL).
(4) Direct Subsidized Loans.
(5) Direct Subsidized Consolidation
Loans.
(6) Federal Perkins Loans.
(7) National Direct Student Loans
(NDSL).
(8) National Defense Student Loans
(NDSL).
(9) Federal PLUS Loans.
(10) Parent Loans for Undergraduate
Students (PLUS).
(11) Direct PLUS Loans.