

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3265

To amend the Higher Education Act of 1965 to provide an interest-free deferment of student loan repayment for Federal student loan borrowers during active military service.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2005

Mr. RYAN of Ohio (for himself and Mr. VAN HOLLEN) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Higher Education Act of 1965 to provide an interest-free deferment of student loan repayment for Federal student loan borrowers during active military service.

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 “Higher Education  
5 Loan Program for Our Troops Act” or the “HELP Our  
6 Troops Act”.

1 **SEC. 2. DEFERMENT OF STUDENT LOANS DURING ACTIVE**  
2 **MILITARY SERVICE.**

3 (a) FEDERAL FAMILY EDUCATION LOANS.—Section  
4 428(b)(1)(M) (20 U.S.C. 1078(b)(1)(M)) is amended—

5 (1) by striking “or” at the end of clause (ii);

6 (2) by redesignating clause (iii) as clause (iv);

7 and

8 (3) by inserting after clause (ii) the following  
9 new clause:

10 “(iii) not in excess of 3 years during  
11 which the borrower—

12 “(I) is serving on active duty  
13 during a war or other military oper-  
14 ation or national emergency; or

15 “(II) is performing qualifying  
16 National Guard duty during a war or  
17 other military operation or national  
18 emergency; or”.

19 (b) DIRECT LOANS.—Section 455(f)(2) (20 U.S.C.  
20 1087e(f)(2)) is amended—

21 (1) by redesignating subparagraph (C) as sub-  
22 paragraph (D); and

23 (2) by inserting after subparagraph (B) the fol-  
24 lowing new subparagraph:

25 “(C) not in excess of 3 years during which  
26 the borrower—

1 “(i) is serving on active duty during a  
2 war or other military operation or national  
3 emergency; or

4 “(ii) is performing qualifying National  
5 Guard duty during a war or other military  
6 operation or national emergency; or”.

7 (c) PERKINS LOANS.—Section 464(c)(2)(A) (20  
8 U.S.C. 1087dd(c)(2)(A)) is amended—

9 (1) by redesignating clauses (iii) and (iv) as  
10 clauses (iv) and (v), respectively; and

11 (2) by inserting after clause (ii) the following  
12 new clause:

13 “(iii) not in excess of 3 years during  
14 which the borrower—

15 “(I) is serving on active duty  
16 during a war or other military oper-  
17 ation or national emergency; or

18 “(II) is performing qualifying  
19 National Guard duty during a war or  
20 other military operation or national  
21 emergency;”.

22 (d) DEFINITIONS.—Section 435 (20 U.S.C. 1085) is  
23 amended by inserting after subsection (m) the following  
24 new subsection:

1       “(n) DEFINITIONS FOR MILITARY DEFERMENTS.—

2 For purposes of this part and parts D and E:

3           “(1) ACTIVE DUTY.—The term ‘active duty’ has  
4 the meaning given such term in section 101(d)(1) of  
5 title 10, United States Code, except that such term  
6 does not include active duty for training or attend-  
7 ance at a service school.

8           “(2) MILITARY OPERATION.—The term ‘mili-  
9 tary operation’ means a contingency operation as  
10 such term is defined in section 101(a)(13) of title  
11 10, United States Code.

12           “(3) NATIONAL EMERGENCY.—The term ‘na-  
13 tional emergency’ means a national emergency de-  
14 clared by the President of the United States.

15           “(4) SERVING ON ACTIVE DUTY.—The term  
16 ‘serving on active duty during a war or other mili-  
17 tary operation or national emergency’ means service  
18 by an individual who is—

19           “(A) a Reserve of an Armed Force ordered  
20 to active duty under section 12301(a),  
21 12301(g), 12302, 12304, or 12306 of title 10,  
22 United States Code, or any retired member of  
23 an Armed Force ordered to active duty under  
24 section 688 of such title, for service in connec-  
25 tion with a war or other military operation or

1 national emergency, regardless of the location  
2 at which such active duty service is performed;  
3 and

4 “(B) any other member of an Armed Force  
5 on active duty in connection with such emer-  
6 gency or subsequent actions or conditions who  
7 has been assigned to a duty station at a loca-  
8 tion other than the location at which such mem-  
9 ber is normally assigned.

10 “(5) QUALIFYING NATIONAL GUARD DUTY.—

11 The term ‘qualifying National Guard duty during a  
12 war or other military operation or national emer-  
13 gency’ means service as a member of the National  
14 Guard on full-time National Guard duty (as defined  
15 in section 101(d)(5) of title 10, United States Code)  
16 under a call to active service authorized by the  
17 President or the Secretary of Defense for a period  
18 of more than 30 consecutive days under section  
19 502(f) of title 32, United States Code, in connection  
20 with a war, another military operation, or a national  
21 emergency declared by the President and supported  
22 by Federal funds.”.

23 (e) EFFECTIVE DATE.—The amendments made by  
24 this section shall apply with respect to loans for which the  
25 first disbursement is made on or after July 1, 1993, to

1 an individual who is a new borrower (within the meaning  
2 of section 103 of the Higher Education Act of 1965 (20  
3 U.S.C. 1003)) on or after such date.

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