

117TH CONGRESS
2D SESSION

S. 3828

To provide student loan forgiveness to health care workers who are on the front line in response to COVID–19.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2022

Mr. WHITEHOUSE (for himself and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide student loan forgiveness to health care workers who are on the front line in response to COVID–19.

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 “Student Loan Forgive-
5 ness for Frontline Health Workers Act”.

6 **SEC. 2. FEDERAL STUDENT LOAN FORGIVENESS FOR**
7 **FRONTLINE HEALTH CARE WORKERS.**

8 (a) FORGIVENESS REQUIRED.—Notwithstanding any
9 other provision of law, the Secretary of Education shall
10 carry out a program in accordance with this Act to forgive

1 the outstanding balance of interest and principal due on
2 the applicable eligible Federal student loans of borrowers
3 who are frontline health care workers.

4 (b) METHOD OF LOAN FORGIVENESS.—In carrying
5 out the loan forgiveness program required under sub-
6 section (a), as soon as practicable after the Secretary of
7 Education has confirmed that an applicant is a frontline
8 health care worker who is a borrower of an eligible Federal
9 student loan, the Secretary of Education shall—

10 (1) through the holder of a loan, assume the
11 obligation to repay the outstanding balance of inter-
12 est and principal due on the applicable eligible Fed-
13 eral student loans of the borrower made, insured, or
14 guaranteed under part B of title IV of the Higher
15 Education Act of 1965 (20 U.S.C. 1071 et seq.);
16 and

17 (2) cancel the outstanding balance of interest
18 and principal due on the applicable eligible Federal
19 student loans of the borrower made under part D or
20 part E of such title.

21 (c) REPAYMENT REFUNDS PROHIBITED.—Nothing
22 in this section shall be construed to authorize any refund-
23 ing of any eligible Federal student loan repayment made
24 before the date a borrower's loans are forgiven in accord-
25 ance with this section.

1 (d) EXCLUSION FROM TAXABLE INCOME.—The
 2 amount of a borrower’s eligible Federal student loans for-
 3 given under this section shall not be included in the gross
 4 income of the borrower for purposes of the Internal Rev-
 5 enue Code of 1986.

6 (e) NOTICE TO BORROWERS IN STATEMENTS.—With
 7 each billing statement sent to a borrower during the two-
 8 year period beginning on the 15th day after the date of
 9 enactment of this Act, the Secretary of Education shall
 10 include, and shall require each holder of eligible Federal
 11 student loans to include, a notice informing the borrower
 12 of the availability of the Federal student loan forgiveness
 13 and private student loan repayment programs for frontline
 14 health care workers under this Act, including where to
 15 find information about how to qualify as a frontline health
 16 care worker, how to apply to such programs, and the ap-
 17 plication deadline for such programs.

18 **SEC. 3. PRIVATE STUDENT LOAN REPAYMENT FOR FRONT-**
 19 **LINE HEALTH CARE WORKERS.**

20 (a) REPAYMENT REQUIRED.—Notwithstanding any
 21 other provision of law, the Secretary of the Treasury shall
 22 carry out a program in accordance with this Act under
 23 which the Secretary of the Treasury shall repay in full
 24 the outstanding balance of principal and interest due on

1 the applicable eligible private student loans of borrowers
2 who are frontline health care workers.

3 (b) METHOD OF LOAN REPAYMENT.—In carrying
4 out the program required under subsection (a), as soon
5 as practicable after the Secretary of the Treasury has con-
6 firmed that an applicant is a frontline health care worker
7 who is a borrower of an eligible private student loan, the
8 Secretary of the Treasury shall pay to the private edu-
9 cational lender of each of the applicable eligible private
10 student loans of the borrower an amount equal to the sum
11 of the unpaid principal, accrued unpaid interest, and late
12 charges of such applicable eligible private student loans,
13 as calculated on the date of the repayment of such loans
14 by the Secretary of the Treasury, in order to discharge
15 the borrower from any remaining obligation to the private
16 educational lender with respect to such applicable eligible
17 private student loans.

18 (c) REPAYMENT REFUNDS PROHIBITED.—Nothing
19 in this section shall be construed to authorize any refund-
20 ing of any repayment of a loan made before the date a
21 borrower's loans are paid by the Secretary of the Treasury
22 in accordance with this section.

23 (d) EXCLUSION FROM TAXABLE INCOME.—The
24 amount of a borrower's eligible private student loans paid
25 by the Secretary of the Treasury under this section shall

1 not be included in the gross income of the borrower for
 2 purposes of the Internal Revenue Code of 1986.

3 (e) NOTICE TO BORROWERS IN STATEMENTS.—Sec-
 4 tion 128(e) of the Truth in Lending Act (15 U.S.C.
 5 1638(e)) is amended by adding at the end the following
 6 new paragraph:

7 “(12) NOTICE REQUIRED ALONG WITH BILLING
 8 STATEMENTS.—With each billing statement sent to
 9 the borrower during the two-year period beginning
 10 on the 15th day after the date of enactment of the
 11 Student Loan Forgiveness for Frontline Health
 12 Workers Act, the private educational lender shall in-
 13 clude a notice informing the borrower of the avail-
 14 ability of the Federal student loan forgiveness and
 15 private student loan repayment programs for front-
 16 line health care workers under the Student Loan
 17 Forgiveness for Frontline Health Workers Act, in-
 18 cluding where to find information about how to qual-
 19 ify as a frontline health care worker, how to apply
 20 to such programs, and the application deadline for
 21 such programs.”.

22 **SEC. 4. COORDINATED PROGRAM REQUIREMENTS.**

23 The Secretaries concerned shall jointly develop the
 24 programs required under section 2 and section 3 of this

1 Act, and shall coordinate and consult with one another in
2 carrying out such programs to ensure that—

3 (1) determinations of eligibility are uniform and
4 consistent across both programs;

5 (2) frontline health care workers who are bor-
6 rowers of both eligible Federal student loans and eli-
7 gible private student loans may apply for both loan
8 forgiveness under section 2 and loan repayment
9 under section 3 with submission of only one applica-
10 tion;

11 (3) borrowers with outstanding eligible Federal
12 student loans and borrowers with outstanding eligi-
13 ble private student loans are notified of the avail-
14 ability of both programs required under this Act;
15 and

16 (4) such programs are made available to front-
17 line health care workers who were borrowers of eligi-
18 ble Federal student loans, eligible private student
19 loans, or both, and who died as a result of the
20 coronavirus, to relieve the families and estates of
21 such deceased frontline health care workers of the
22 burden of the student loans of the such workers.

23 **SEC. 5. NOTICE TO THE PUBLIC.**

24 Not later than 15 days after the date of enactment
25 of this Act, the Secretaries concerned, in consultation with

1 institutions of higher education and lenders and holders
 2 of Federal student loans and private education loans, shall
 3 take such actions as may be necessary to ensure that bor-
 4 rowers who have outstanding eligible Federal student
 5 loans, outstanding eligible private student loans, or both,
 6 are aware of the loan forgiveness and loan repayment pro-
 7 grams authorized by this Act. Such information shall—

8 (1) be presented in a form that is widely avail-
 9 able to the public, especially to borrowers with eligi-
 10 ble Federal student loans, eligible private student
 11 loans, or both;

12 (2) be easily understandable; and

13 (3) clearly notify borrowers that to be consid-
 14 ered for loan forgiveness or loan repayment (or
 15 both) under this Act, borrowers must submit an ap-
 16 plication to the Secretaries concerned, and must do
 17 so during the application period described in section
 18 6.

19 **SEC. 6. APPLICATION AND DETERMINATION OF ELIGI-**
 20 **BILITY.**

21 (a) APPLICATION PERIOD.—An individual may apply
 22 for loan forgiveness under section 2, loan repayment under
 23 section 3, or both, by submitting an application to the Sec-
 24 retaries concerned during the period that begins on the
 25 date that is 60 days after the date of enactment of this

1 Act and that ends on the date that is 2 years after the
2 end of the qualifying period.

3 (b) DETERMINATION OF ELIGIBILITY.—

4 (1) DEVELOPMENT OF APPLICATION.—Not
5 later than 60 days after the date of enactment of
6 this Act, the Secretaries concerned shall jointly, in
7 consultation with the Secretary of Health and
8 Human Services and the Intergovernmental Working
9 Group (in accordance with section 7), develop one
10 application for borrowers of both eligible Federal
11 student loans and eligible private student loans to
12 apply for loan forgiveness or loan repayment, or
13 both, under this Act.

14 (2) APPLICATION REQUIREMENTS.—The appli-
15 cation required under paragraph (1) may only in-
16 clude such information as is necessary for the Secre-
17 taries concerned to make a determination of whether
18 the applicant—

19 (A) is a frontline health care worker, with-
20 out consideration of the period of time the ap-
21 plicant served as such a worker; and

22 (B) is a borrower of an applicable eligible
23 Federal student loan, an applicable eligible pri-
24 vate student loan, or both.

1 (3) DETERMINATION.—Not later than 30 days
2 after the date on which the Secretaries concerned re-
3 ceive an application from an individual in accordance
4 with this Act, the Secretaries concerned shall—

5 (A) confirm that such individual is a front-
6 line health care worker who is a borrower of an
7 applicable eligible Federal student loan, an ap-
8 plicable eligible private student loan, or both,
9 then notify the individual of such confirmation,
10 and grant the individual loan forgiveness or
11 loan repayment, or both, in accordance with
12 sections 2 and 3 of this Act; or

13 (B) determine that such individual is not a
14 frontline health care worker who is a borrower
15 of an applicable eligible Federal student loan,
16 an eligible private student loan, or both, then
17 deny such application, and provide a notifica-
18 tion to the individual that includes—

19 (i) that the application was denied;

20 (ii) the reason for such denial; and

21 (iii) if the application was denied be-
22 cause the Secretaries concerned determined
23 that the applicant was not a frontline
24 health care worker, an explanation that the
25 individual may appeal the denial to the

1 Intergovernmental Working Group within
2 30 days of the date of such denial, and in-
3 formation on how the applicant may sub-
4 mit such an appeal.

5 (4) TREATMENT AFTER SUCCESSFUL AP-
6 PEAL.—In the case that an individual appeals the
7 denial of an application to the Intergovernmental
8 Working Group in accordance with section 7, and
9 the individual is determined by the Intergovern-
10 mental Working Group to be a frontline health care
11 worker, the Secretaries concerned shall grant the in-
12 dividual loan forgiveness or loan repayment, or both,
13 in accordance with sections 2 and 3 of this Act not
14 later than 30 days after the Secretaries concerned
15 are notified of the outcome of the appeal by the
16 Intergovernmental Working Group.

17 **SEC. 7. INTERGOVERNMENTAL WORKING GROUP.**

18 (a) ESTABLISHMENT.—Not later than 30 days after
19 the date of the enactment of this Act, the Secretaries con-
20 cerned and the Secretary of Health and Human Services
21 shall jointly establish an Intergovernmental Working
22 Group to assist, in accordance with this section, with the
23 administration of the programs required under this Act.

24 (b) MEMBERSHIP.—The Intergovernmental Working
25 Group shall have 9 members, of whom—

1 (1) five members shall be selected by the Sec-
2 retary of Health and Human Services from employ-
3 ees of the Department of Health and Human Serv-
4 ices who are knowledgeable concerning the edu-
5 cation, training, employment, and medical practices
6 of health care professionals and the health care
7 workforce;

8 (2) two members shall be selected by the Sec-
9 retary of Education from employees of the Depart-
10 ment of Education who are knowledgeable con-
11 cerning eligible Federal student loans and the ad-
12 ministration of such loans; and

13 (3) two members shall be selected by the Sec-
14 retary of the Treasury from employees of the De-
15 partment of the Treasury who are knowledgeable
16 concerning eligible private student loans, the admin-
17 istration of such loans, and private educational lend-
18 ers.

19 (c) DUTIES.—The Intergovernmental Working Group
20 established under this section shall—

21 (1) develop a procedure or list of requirements
22 to determine whether an individual has made signifi-
23 cant contributions to the medical response to the
24 qualifying emergency for purposes of determining

1 whether the individual is a frontline health care
2 worker as defined in section 9(1)(C);

3 (2) determine what information an individual
4 needs to provide for the Secretaries concerned to de-
5 termine whether the individual has made significant
6 contributions to the medical response to the quali-
7 fying emergency for purposes of determining wheth-
8 er the individual is a frontline health care worker as
9 defined in section 9(1)(B);

10 (3) not later than 15 days after the date on
11 which the Council is established, report the informa-
12 tion described in paragraphs (1) and (2) to the Sec-
13 retaries concerned for inclusion in the application
14 developed in accordance with section 6(b)(1);

15 (4) not later than 60 days after the date on
16 which the Council is established, develop a process
17 by which—

18 (A) an applicant who is denied loan for-
19 givenness or loan repayment (or both) under this
20 Act by the Secretaries concerned because of a
21 determination that the applicant is not a front-
22 line health care worker may, within 30 days of
23 the date of such denial, submit an appeal of
24 such denial to the Intergovernmental Working
25 Group; and

1 (B) the Intergovernmental Working Group
2 will review the appeal and make a determina-
3 tion with respect to whether the applicant is a
4 frontline health care worker; and

5 (5) upon the request for an appeal by an appli-
6 cant described in paragraph (4), using the appeals
7 process developed under such paragraph, determine
8 within 30 days after submission of the appeal by the
9 applicant, whether the applicant is a frontline health
10 care worker, and notify the Secretaries concerned
11 and the applicant of the outcome of such appeal
12 within 15 days of such determination.

13 **SEC. 8. TERMINATION OF AUTHORITY.**

14 The authority of the Secretaries concerned to carry
15 out the loan forgiveness program under section 2 and loan
16 repayment program under section 3, and the authority of
17 the Intergovernmental Working Group to carry out the ac-
18 tivities authorized under section 7, shall cease on the date
19 that is 180 days after the end date of the application pe-
20 riod described in section 6(a).

21 **SEC. 9. DEFINITIONS.**

22 In this Act:

23 (1) **APPLICABLE LOAN.**—For the purposes of
24 this Act, the term “applicable loan”, when used with

1 respect to an eligible Federal student loan or an eli-
2 gible private student loan, means—

3 (A) in the case of a frontline health care
4 worker who has obtained a graduate education
5 degree or certificate—

6 (i) any eligible Federal student loan
7 for the graduate education of such worker
8 (including a consolidation loan, to the ex-
9 tent that such consolidation loan was used
10 to repay loans for graduate education);
11 and

12 (ii) any eligible private student loan
13 for the graduate education of such worker;
14 or

15 (B) in the case of a frontline health care
16 worker who has not obtained a graduate edu-
17 cation degree or certificate—

18 (i) any eligible Federal student loan
19 for the undergraduate education of such
20 worker (including a consolidation loan, to
21 the extent that such consolidation loan was
22 used to repay loans for undergraduate edu-
23 cation), provided that such loan was used
24 for undergraduate education in a relevant
25 health care program of study that is nec-

1 essary for an individual to enter or ad-
 2 vance within the specific health care-re-
 3 lated occupation of the worker; and

4 (ii) any eligible private student loan
 5 for the undergraduate education of such
 6 worker, provided that such loan was used
 7 for undergraduate education in a relevant
 8 health care program of study that is nec-
 9 essary for an individual to enter or ad-
 10 vance within the specific health care-re-
 11 lated occupation of the worker.

12 (2) CORONAVIRUS.—The term “coronavirus”
 13 has the meaning given the term in section 506 of the
 14 Coronavirus Preparedness and Response Supple-
 15 mental Appropriations Act, 2020 (Public Law 116–
 16 123).

17 (3) COVID-RELATED HEALTH CARE SERV-
 18 ICES.—The term “COVID-related health care serv-
 19 ices” means any health care services that relate to—

20 (A) the diagnosis, prevention, or treatment
 21 of the coronavirus, including through telehealth
 22 services;

23 (B) the assessment or care of the health of
 24 a human being related to an actual or sus-

1 pected case of the coronavirus, including
2 through telehealth services; or

3 (C) patient care in a setting where there is
4 a reasonable expectation of risk of exposure to
5 the coronavirus.

6 (4) ELIGIBLE FEDERAL STUDENT LOAN.—The
7 term “eligible Federal student loan” means any loan
8 made, insured, or guaranteed under part B, part D,
9 or part E of title IV of the Higher Education Act
10 of 1965 before the date of enactment of this Act, in-
11 cluding a consolidation loan under such title.

12 (5) ELIGIBLE PRIVATE STUDENT LOAN.—The
13 term “eligible private student loan” means a private
14 education loan, as defined in section 140(a) of the
15 Truth in Lending Act (15 U.S.C. 1650(a)), that was
16 expressly for the cost of attendance (as defined in
17 section 472) at an institution of higher education
18 participating in a loan program under part B, part
19 D, or part E of title IV of the Higher Education Act
20 of 1965 (20 U.S.C. 1070 et seq.), as of the date
21 that the loan was disbursed, and that was made be-
22 fore the date of enactment of this Act.

23 (6) FRONTLINE HEALTH CARE WORKER.—The
24 term “frontline health care worker” means an indi-

vidual who, in exchange for payment or as a volunteer, for any period during a qualifying emergency—

(A) is—

(i) a doctor, medical resident, medical intern, medical fellow, nurse, home health care worker, mental health professional, or other health care professional who is licensed, registered, or certified under Federal or State law to provide health care services and who provides COVID-related health care services;

(ii) a student enrolled at an institution of higher education in a medical, nursing, or other relevant health care program of study who provides COVID-related health care services;

(iii) a laboratory worker who conducts, evaluates, or analyzes coronavirus testing;

(iv) a medical researcher who conducts research related to the prevention, treatment, or cure of the coronavirus; or

(v) an emergency medical services worker who responds to health emergencies

1 or transports patients to hospitals or other
 2 medical facilities; or

3 (B) does not meet the requirements of any
 4 of the clauses under subparagraph (A), but is
 5 a health care professional who is licensed, reg-
 6 istered, or certified under Federal or State law
 7 to provide health care and has made significant
 8 contributions to the medical response to the
 9 qualifying emergency.

10 (7) GRADUATE EDUCATION.—The term “grad-
 11 uate education” means a postbaccalaureate program
 12 of study at an institution of higher education that—

13 (A) leads to a master’s degree;

14 (B) leads to a doctoral degree; or

15 (C) does not lead to a graduate degree, but
 16 awards or is necessary to obtain a professional
 17 certification or licensing credential that is re-
 18 quired for employment.

19 (8) INSTITUTION OF HIGHER EDUCATION.—The
 20 term “institution of higher education” has the
 21 meaning given such term in section 102 of the High-
 22 er Education Act of 1965 (20 U.S.C. 1002).

23 (9) PRIVATE EDUCATIONAL LENDER.—The
 24 term “private educational lender” has the meaning

1 given the term in section 140(a) of the Truth in
2 Lending Act (15 U.S.C. 1650(a)).

3 (10) QUALIFYING EMERGENCY.—The term
4 “qualifying emergency” means—

5 (A) a public health emergency related to
6 the coronavirus declared by the Secretary of
7 Health and Human Services pursuant to sec-
8 tion 319 of the Public Health Service Act (42
9 U.S.C. 247d);

10 (B) an event related to the coronavirus for
11 which—

12 (i) the President declared a major dis-
13 aster or an emergency under section 401
14 or 501, respectively, of the Robert T. Staf-
15 ford Disaster Relief and Emergency Assist-
16 ance Act (42 U.S.C. 5170 and 5191); or

17 (ii) the Governor of a State or terri-
18 tory of the United States declared an
19 emergency; or

20 (C) a national emergency related to the
21 coronavirus declared by the President under
22 section 201 of the National Emergencies Act
23 (50 U.S.C. 1601 et seq.).

24 (11) SECRETARIES CONCERNED.—The term
25 “Secretaries concerned” means—

1 (A) the Secretary of Education, with re-
2 spect to eligible Federal student loans and bor-
3 rowers of such loans; and

4 (B) the Secretary of the Treasury, with re-
5 spect to eligible private student loans and bor-
6 rowers of such loans.

7 (12) UNDERGRADUATE EDUCATION.—The term
8 “undergraduate education” means a postsecondary
9 program of study at an institution of higher edu-
10 cation that—

11 (A) leads to an associate’s degree;

12 (B) leads to a baccalaureate degree; or

13 (C) does not lead to an associate’s or bac-
14 calaureate degree, but awards or is necessary to
15 obtain a certification or licensing credential that
16 is required for employment.

○