II

117TH CONGRESS
2D SESSION

S. 4094

To amend the Higher Education Relief Opportunities for Students Act of 2003 to strike the Secretary's unilateral authority during a national emergency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2022

Mr. THUNE (for himself, Mr. BURR, Mr. BRAUN, Mr. CASSIDY, and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Higher Education Relief Opportunities for Students Act of 2003 to strike the Secretary's unilateral authority during a national emergency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Reckless Student Loan Actions Act of 2022".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1098aa et seq.) was intended to provide relief opportunities for members of the armed services.

(2) The authority provided under the Higher Education Relief Opportunities for Students Act of 2003 has been abused by the Executive Branch during the COVID–19 national emergency regarding the payment of Federal student loans.

(3) The unilateral payment pause on Federal student loans has cost $100,000,000,000.

(4) The individuals benefitting the most from the payment pause continued by the Executive Branch are doctors, who receive 11 times the benefit of bachelor's degree recipients and 14 times the benefit of associate's degree recipients.

SEC. 3. AMENDMENTS TO THE HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2003.

Section 5(2) of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1098ee) is amended—

(1) in the matter preceding subparagraph (A), by inserting "(or the spouse or dependent of the parent, as that term is used in section 480 of the

Higher Education Act of 1965 (20 U.S.C. 1087vv))'' after ''an individual'';

(2) in subparagraph (A), by inserting ''and'' after the semicolon;

(3) in subparagraph (B), by striking the semicolon and inserting a period; and

(4) by striking subparagraphs (C) and (D).

SEC. 4. HIGHER EDUCATION RELIEF OPPORTUNITIES FOR CIVILIANS IN THE CASE OF A NATIONAL EMERGENCY AND LIMITATIONS ON COVERED LOANS.

(a) TEMPORARY AUTHORITY FOR HIGHER EDUCATION RELIEF.—

(1) IN GENERAL.—Subject to the limitation provided in subsection (c), during the 90 day period after a declaration of a national emergency under section 201 of the National Emergencies Act (50 U.S.C. 1621), the Secretary of Education may suspend or defer Federal student loan payments or the accrual of interest for loans made, insured or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.; 1087aa et seq.) or loans under the Health Education Assistance Loan Program.

(2) LIMITATION.—The Secretary of Education may not use the temporary authority provided under paragraph (1) in consecutive 90 day periods.

(b) RECOMMENDATIONS FOR HIGHER EDUCATION RELIEF FROM THE SECRETARY OF EDUCATION.— In the case of a national emergency declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1621), the Secretary of Education shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives, not later than 60 days after the date of such declaration, a report that includes any recommendations on relief necessary for recipients of student financial assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(c) LIMITS ON EXECUTIVE AUTHORITY TO SUSPEND OR DEFER FEDERAL STUDENT LOAN PAYMENTS OR INTEREST.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President or the Secretary of Education may not suspend or defer Federal student loan payments on covered loans or the accrual of interest on covered loans of borrowers with annual household incomes over 400 percent of the poverty line (as determined under the poverty guidelines up-

dated periodically in the Federal Register by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

(2) APPLICATION OF CONGRESSIONAL REVIEW ACT.—In any case where the President or the Secretary of Education suspends or defers Federal student loan payments on covered loans or the accrual of interest on covered loans through any type of executive or regulatory action, the suspension or deferral shall be—

(A) deemed to be a major rule for purposes of chapter 8 of title 5, United States Code (commonly known as the "Congressional Review Act"); and

(B) subject to congressional disapproval in accordance with such chapter.

(d) LIMITS ON EXECUTIVE AUTHORITY TO CANCEL STUDENT LOANS.—

(1) IN GENERAL.—Notwithstanding any other provisions of law, the President or the Secretary of Education may not cancel the outstanding balances, or a portion of the balances, on covered loans due to the COVID–19 national emergency or any other national emergency.

(2) APPLICATION OF CONGRESSIONAL REVIEW ACT.—In any case where the President or the Secretary of Education cancels the outstanding balances, or portion of the balances, on covered loans through any type of executive or regulatory action, the cancellation shall be—

(A) deemed to be a major rule for purposes of chapter 8 of title 5, United States Code (commonly known as the "Congressional Review Act"); and

(B) subject to congressional disapproval in accordance with such chapter.

(e) IMPLEMENTATION.—

(1) REGARDING SUSPENSIONS OR DEFERMENTS OF FEDERAL STUDENT LOAN PAYMENTS ONGOING AT THE TIME OF ENACTMENT.—Not later than the effective date of this Act, any suspension or deferment of Federal student loan payments on covered loans due to the COVID–19 national emergency shall terminate. Notwithstanding any other provision of law, a subsequent suspension or deferment of Federal student loan payments on covered loans for the COVID–19 national emergency shall be prohibited.

(2) REGARDING CANCELLATION OF STUDENT LOANS PRIOR TO EFFECTIVE DATE.—Any cancellation of the outstanding balance, or portion of a balance, on a covered loan made by the President or Secretary of Education through any type of executive or regulatory action in the 30 days before the effective date of this Act shall be—

(A) deemed to be a major rule for purposes of chapter 8 of title 5, United States Code (commonly known as the "Congressional Review Act"); and

(B) subject to congressional disapproval in accordance with such chapter.

(f) DEFINITION OF COVERED LOAN.—In this subsection, the term "covered loan" means a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.; 1087aa et seq.) or a loan under the Health Education Assistance Loan Program.

SEC. 5. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date that is 30 days after the date of enactment of this Act.

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