

117TH CONGRESS
2D SESSION

S. 4483

To prevent class-based loan forgiveness for Federal student loans under title IV of the Higher Education Act of 1965 without the explicit appropriation of funds by Congress for such purpose.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2022

Mr. SCOTT of Florida (for himself, Ms. LUMMIS, Mr. BRAUN, and Mr. BAR-RASSO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To prevent class-based loan forgiveness for Federal student loans under title IV of the Higher Education Act of 1965 without the explicit appropriation of funds by Congress for such purpose.

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 “Debt Cancellation Ac-
5 countability Act of 2022”.

1 **SEC. 2. PROHIBITION ON CLASS-BASED LOAN FORGIVE-**
 2 **NESS WITHOUT PROPER APPROVAL.**

3 Part G of title IV of the Higher Education Act of
 4 1965 (20 U.S.C. 1088 et seq.) is amended by adding at
 5 the end the following:

6 **“SEC. 494A. PROHIBITION ON CLASS-BASED LOAN FORGIVE-**
 7 **NESS WITHOUT PROPER APPROVAL.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) CLASS-BASED LOAN FORGIVENESS.—

10 “(A) IN GENERAL.—The term ‘class-based
 11 loan forgiveness’ means the cancellation, waiver,
 12 assumption, discharge, reduction, or other for-
 13 giveness of any obligation due on covered
 14 loans—

15 “(i) on a class-wide basis and for a
 16 class of 2 or more covered loan borrowers;
 17 and

18 “(ii) that totals more than
 19 \$1,000,000.

20 “(B) EXCEPTION FOR EXISTING TAR-
 21 GETED LOAN FORGIVENESS PROGRAMS.—The
 22 term ‘class-based loan forgiveness’ does not in-
 23 clude a targeted program of loan forgiveness ex-
 24 plicitly established under this Act and in effect
 25 on the day before the date of enactment of the
 26 Debt Cancellation Accountability Act of 2022,

1 if the cancellation, waiver, assumption, dis-
 2 charge, reduction, or other forgiveness of any
 3 obligation due on a covered loan is—

4 “(i) granted for a single covered loan
 5 borrower; and

6 “(ii) based upon an individualized,
 7 case-by-case determination of the covered
 8 loan borrower’s—

9 “(I) eligibility for the targeted
 10 loan forgiveness; and

11 “(II) satisfaction of all terms and
 12 conditions precedent to receive the
 13 targeted loan forgiveness.

14 “(2) COVERED LOAN.—The term ‘covered loan’
 15 means a loan made, insured, or guaranteed under
 16 part B, D, or E.

17 “(b) LIMITATION ON DEPARTMENT AUTHORITY.—
 18 Notwithstanding any other provision of this Act or any
 19 other law, the Secretary shall have no authority to provide
 20 class-based loan forgiveness unless funds have been spe-
 21 cifically requested and appropriated for the purpose
 22 through the process described in subsection (c).

23 “(c) REQUEST AND APPROPRIATION PROCESS.—

24 “(1) IN GENERAL.—The Secretary shall not
 25 provide any class-based loan forgiveness until—

1 “(A) the Secretary has submitted a request
2 under paragraph (2); and

3 “(B) funds have been specifically appro-
4 priated for such request by Congress through
5 an appropriations Act or other law.

6 “(2) REQUEST.—In any case where the Sec-
7 retary determines class-based loan forgiveness is
8 necessary, the Secretary shall submit to the author-
9 izing committees, the Committee on Appropriations
10 of the Senate, and the Committee on Appropriations
11 of the House of Representatives a written request
12 that describes—

13 “(A) the number of covered loan borrowers
14 in the class and the aggregate amount of the
15 covered student loan obligations that will be
16 cancelled, waived, assumed, discharged, re-
17 duced, or otherwise forgiven through the class-
18 based loan forgiveness;

19 “(B) the particular reason for the class-
20 based loan forgiveness;

21 “(C) the legal authority, including the
22 identification of any authorizing statute or rule,
23 of the Department to grant such class-based
24 loan forgiveness; and

1 “(D) the particular reason the student
2 loan obligations are being cancelled, waived, as-
3 sumed, discharged, reduced, or otherwise for-
4 given on a collective basis, rather than through
5 a case-by-case assessment.

6 “(3) RESUBMISSION OF REQUEST.—If funds for
7 a class-based loan forgiveness request submitted
8 under paragraph (2) are not specifically appro-
9 priated under an appropriations Act or other law
10 during the fiscal year for which the request is sub-
11 mitted—

12 “(A) the request shall expire; and

13 “(B) if the Secretary desires the request to
14 be reconsidered in a future fiscal year, the Sec-
15 retary shall resubmit the request for such fiscal
16 year.”.

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