118TH CONGRESS

1st Session

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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

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Mr. THUNE (for himself, Mr. CASSIDY, Mr. BARRASSO, Mrs. BRITT, Mr. CRAMER, Ms. ERNST, Mr. GRASSLEY, Mr. MARSHALL, and Mr. SCOTT

of Florida) introduced the following bill; which was read twice and re- ferred to the Committee on llllllllll

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.

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 ‘‘Stop Reckless Student
5. Loan Actions Act of 2023’’.
6. **SEC. 2. FINDINGS.**
7. Congress finds the following:
8. (1) The Higher Education Relief Opportunities
9. for Students Act of 2003 (20 U.S.C. 1098aa et seq.)
10. was intended to provide relief opportunities for
11. members of the armed services.
12. (2) The authority provided under the Higher
13. Education Relief Opportunities for Students Act of
14. 2003 has been abused by the Executive Branch dur-
15. ing the COVID-19 national emergency regarding the
16. payment of Federal student loans.
17. (3) The unilateral payment pause on Federal
18. student loans has cost more than $160,000,000,000.
19. (4) The unilateral payment pause on Federal
20. student loans has inflationary impacts.
21. (5) The individuals benefitting the most from
22. the payment pause continued by the Executive
23. Branch are doctors, who receive 11 times the benefit
24. of bachelor’s degree recipients and 16 times the ben-
25. efit of associate’s degree recipients.
26. **SEC. 3. AMENDMENTS TO THE HIGHER EDUCATION RELIEF**
27. **OPPORTUNITIES FOR STUDENTS ACT OF 2003.**
28. Section 5(2) of the Higher Education Relief Opportu-
29. nities for Students Act of 2003 (20 U.S.C. 1098ee) is
30. amended—
31. (1) in the matter preceding subparagraph (A),
32. by inserting ‘‘(or the spouse or dependent of the
33. parent, as that term is used in section 480 of the
34. Higher Education Act of 1965 (20 U.S.C. 1087vv))’’
35. after ‘‘an individual’’;
36. (2) in subparagraph (A), by inserting ‘‘and’’
37. after the semicolon;
38. (3) in subparagraph (B), by striking the semi-
39. colon and inserting a period; and
40. (4) by striking subparagraphs (C) and (D).
41. **SEC. 4. HIGHER EDUCATION RELIEF OPPORTUNITIES FOR**
42. **CIVILIANS IN THE CASE OF A NATIONAL**
43. **EMERGENCY AND LIMITATIONS ON COVERED**
44. **LOANS.**
45. (a) TEMPORARY AUTHORITY FOR HIGHER EDU-
46. cation Relief.—
47. (1) IN GENERAL.—Subject to the limitation
48. provided in subsection (c), during the 90 day period
49. after a declaration of a national emergency under
50. section 201 of the National Emergencies Act (50
51. U.S.C. 1621), the Secretary of Education may sus-
52. pend or defer Federal student loan payments or the
53. accrual of interest for loans made, insured or guar-
54. anteed under part B, D, or E of title IV of the
55. Higher Education Act of 1965 (20 U.S.C. 1071 et
56. seq.; 1087a et seq.; 1087aa et seq.) or loans under
57. the Health Education Assistance Loan Program.

1 (2) LIMITATION.—The Secretary of Education

2 may not use the temporary authority provided under

1. paragraph (1) in consecutive 90 day periods.
2. (b) RECOMMENDATIONS FOR HIGHER EDUCATION
3. RELIEF FROM THE SECRETARY OF EDUCATION.— In the
4. case of a national emergency declared by the President
5. under section 201 of the National Emergencies Act (50
6. U.S.C. 1621), the Secretary of Education shall submit to
7. the Committee on Health, Education, Labor, and Pen-
8. sions of the Senate and the Committee on Education and
9. the Workforce of the House of Representatives, not later
10. than 60 days after the date of such declaration, a report
11. that includes any recommendations on relief necessary for
12. recipients of student financial assistance under title IV of
13. the Higher Education Act of 1965 (20 U.S.C. 1070 et
14. seq.).
15. (c) LIMITS ON EXECUTIVE AUTHORITY TO SUSPEND
16. or Defer Federal Student Loan Payments or In-
17. TEREST.—
18. (1) IN GENERAL.—Notwithstanding any other
19. provision of law, the President or the Secretary of
20. Education may not suspend or defer Federal student
21. loan payments on covered loans or the accrual of in-
22. terest on covered loans of borrowers with annual
23. household incomes over 400 percent of the poverty
24. line (as determined under the poverty guidelines up-
25. dated periodically in the Federal Register by the De-
26. partment of Health and Human Services under the
27. authority of section 673(2) of the Community Serv-
28. ices Block Grant Act (42 U.S.C. 9902(2))).
29. (2) Application of congressional review
30. ACT.—In any case where the President or the Sec-
31. retary of Education suspends or defers Federal stu-
32. dent loan payments on covered loans or the accrual
33. of interest on covered loans through any type of ex-
34. ecutive or regulatory action, the suspension or defer-
35. ral shall be—
36. (A) deemed to be a major rule for purposes
37. of chapter 8 of title 5, United States Code
38. (commonly known as the ‘‘Congressional Review
39. Act’’); and
40. (B) subject to congressional disapproval in
41. accordance with such chapter.
42. (d) LIMITS ON EXECUTIVE AUTHORITY TO CANCEL
43. Student Loans.—
44. (1) IN GENERAL.—Notwithstanding any other
45. provisions of law, the President or the Secretary of
46. Education may not cancel the outstanding balances,
47. or a portion of the balances, on covered loans due
48. to the COVID-19 national emergency or any other
49. national emergency.
50. (2) Application of congressional review
51. ACT.—In any case where the President or the Sec-
52. retary of Education cancels the outstanding bal-
53. ances, or portion of the balances, on covered loans
54. through any type of executive or regulatory action,
55. the cancellation shall be—
56. (A) deemed to be a major rule for purposes
57. of chapter 8 of title 5, United States Code
58. (commonly known as the ‘‘Congressional Review
59. Act’’); and
60. (B) subject to congressional disapproval in
61. accordance with such chapter.
62. (e) IMPLEMENTATION.—
63. (1) Regarding suspensions or deferments
64. OF FEDERAL STUDENT LOAN PAYMENTS ONGOING
65. AT THE TIME OF ENACTMENT.—Not later than the
66. effective date of this Act, any suspension or
67. deferment of Federal student loan payments on cov-
68. ered loans due to the COVID-19 national emergency
69. shall terminate. Notwithstanding any other provision
70. of law, a subsequent suspension or deferment of
71. Federal student loan payments on covered loans for
72. the COVID-19 national emergency shall be prohib-
73. ited.
74. (2) Regarding cancellation of student
75. LOANS PRIOR TO EFFECTIVE DATE.—Any cancella-
76. tion of the outstanding balance, or portion of a bal-
77. ance, on a covered loan made by the President or
78. Secretary of Education through any type of execu-
79. tive or regulatory action in the 30 days before the
80. effective date of this Act shall be—
81. (A) deemed to be a major rule for purposes
82. of chapter 8 of title 5, United States Code
83. (commonly known as the ‘‘Congressional Review
84. Act’’); and
85. (B) subject to congressional disapproval in
86. accordance with such chapter.
87. (f) DEFINITION OF COVERED LOAN.—In this sub-
88. section, the term ‘‘covered loan’’ means a loan made, in-
89. sured, or guaranteed under part B, D, or E of title IV
90. of the Higher Education Act of 1965 (20 U.S.C. 1071
91. et seq.; 1087a et seq.; 1087aa et seq.) or a loan under
92. the Health Education Assistance Loan Program.
93. **SEC. 5. EFFECTIVE DATE.**
94. This Act, and the amendments made by this Act,
95. shall take effect on the date that is 30 days after the date
96. of enactment of this Act.