

118TH CONGRESS
1ST SESSION

H. R. 380

To prohibit abuse of the authority of the Secretary of Education under the HEROES Act in connection with the COVID–19 national emergency declaration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2023

Mr. GOOD of Virginia (for himself, Mr. McCLINTOCK, and Mrs. MILLER of Illinois) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To prohibit abuse of the authority of the Secretary of Education under the HEROES Act in connection with the COVID–19 national emergency declaration, 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 “Federal Student Loan
5 Integrity Act”.

6 **SEC. 2. PURPOSE; FINDINGS.**

7 (a) **PURPOSE.**—It is the purpose of this Act to—

1 (1) clarify the intent of Congress with respect
2 to the authorities provided to the Secretary of Edu-
3 cation under the Higher Education Relief Opportu-
4 nities for Students Act of 2003 (20 U.S.C. 1098bb)
5 (in this section referred to as the “HEROES Act”);
6 and

7 (2) prevent further abuse of the Secretary’s au-
8 thority provided under the HEROES Act in connec-
9 tion with the COVID–19 national emergency dec-
10 laration.

11 (b) FINDINGS.—Congress finds the following:

12 (1) As of March 13, 2020, there has been a
13 moratorium on payments, accrual of interest, and
14 collections on all Federal student loans.

15 (2) The moratorium is the largest benefit pro-
16 vided by taxpayers in the history of the Federal stu-
17 dent loan program.

18 (3) Excluding section 3513 of the CARES Act
19 (20 U.S.C. 1001 note), this benefit was not explicitly
20 authorized by Congress.

21 (4) Since December 4, 2020, the Secretary of
22 Education has cited the HEROES Act as the au-
23 thority to extend the moratorium on student loan
24 payments for “affected individuals”, in connection

1 with the March 13, 2020, national emergency dec-
2 laration.

3 (5) The Secretary has undermined the intent of
4 Congress and abused its authority provided by the
5 HEROES Act to amend statutory provisions of title
6 IV of the Higher Education Act (20 U.S.C. 1070 et
7 seq.) to provide benefits for borrowers beyond those
8 deemed as “affected individuals”.

9 **SEC. 3. PROHIBITION.**

10 The Secretary of Education may not use the author-
11 ity under section 2(a)(1) of the Higher Education Relief
12 Opportunities for Students Act of 2003 (20 U.S.C.
13 1098bb(a)(1)) to issue a waiver or modification, or to ex-
14 tend a waiver or modification issued before the date of
15 enactment of this Act, of any statutory or regulatory pro-
16 vision applicable to the student financial assistance pro-
17 grams under title IV of the Higher Education Act of 1965
18 (20 U.S.C. 1070 et seq.) in connection with the national
19 emergency declared by the President on March 13, 2020,
20 pursuant to the National Emergencies Act (50 U.S.C.
21 1601 et seq.) (Proclamation 9994).

22 **SEC. 4. LIMITATION ON WAIVERS AND MODIFICATIONS.**

23 Section 2(a)(1) of the Higher Education Relief Op-
24 portunities for Students Act of 2003 (20 U.S.C.
25 1098bb(a)(1)) is amended—

1 (1) by striking “Notwithstanding” and insert-
2 ing the following:

3 “(A) AUTHORITY OF SECRETARY.—Except
4 as provided in subparagraph (B), notwith-
5 standing”; and

6 (2) by adding at the end the following:

7 “(B) LIMITATIONS.—A waiver or modifica-
8 tion under this subsection may not—

9 “(i) provide for a period that exceeds
10 30 days during which—

11 “(I) payments of principal or in-
12 terest due on loans made, insured, or
13 guaranteed under part B, D, or E of
14 title IV of the Act are suspended; or

15 “(II) interest does not accrue on
16 such loans; or

17 “(ii) result in the discharge or can-
18 cellation of any outstanding balance owed
19 on a loan made, insured, or guaranteed
20 under part B, D, or E of title IV of the
21 Act.”.

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