

118TH CONGRESS
1ST SESSION

H. R. 4711

To limit the authority of the Secretary of Education to propose or issue regulations and executive actions.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2023

Mr. GROTHMAN introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To limit the authority of the Secretary of Education to propose or issue regulations and executive actions.

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 “Protecting Taxpayers
5 from Student Loan Bailouts Act”.

1 **SEC. 2. LIMITATION ON AUTHORITY OF SECRETARY OF**
2 **EDUCATION TO PROPOSE OR ISSUE REGULA-**
3 **TIONS AND EXECUTIVE ACTIONS.**

4 Part G of title IV of the Higher Education Act of
5 1965 (20 U.S.C. 1088 et seq.) is amended by inserting
6 after section 492 (20 U.S.C. 1098a) the following:

7 **“SEC. 492A. LIMITATION ON AUTHORITY OF THE SEC-**
8 **RETARY TO PROPOSE OR ISSUE REGULA-**
9 **TIONS AND EXECUTIVE ACTIONS.**

10 “(a) DRAFT REGULATIONS.—Beginning after the
11 date of enactment of this section, a draft regulation imple-
12 menting this title (as described in section 492(b)(1)) that
13 is determined by the Secretary to be economically signifi-
14 cant shall be subject to the following requirements (re-
15 gardless of whether negotiated rulemaking occurs):

16 “(1) The Secretary shall determine whether the
17 draft regulation, if implemented, would result in an
18 increase in a subsidy cost.

19 “(2) If the Secretary determines under para-
20 graph (1) that the draft regulation would result in
21 an increase in a subsidy cost, then the Secretary
22 may take no further action with respect to such reg-
23 ulation.

24 “(b) PROPOSED OR FINAL REGULATIONS AND EXEC-
25 UTIVE ACTIONS.—Beginning after the date of enactment
26 of this section, the Secretary may not issue a proposed

1 rule, final regulation, or executive action implementing
2 this title if the Secretary determines that the rule, regula-
3 tion, or executive action—

4 “(1) is economically significant; and

5 “(2) would result in an increase in a subsidy
6 cost.

7 “(c) RELATIONSHIP TO OTHER REQUIREMENTS.—

8 The analyses required under subsections (a) and (b) shall
9 be in addition to any other cost analysis required under
10 law for a regulation implementing this title, including any
11 cost analysis that may be required pursuant to Executive
12 Order 12866 (58 Fed. Reg. 51735; relating to regulatory
13 planning and review), Executive Order 13563 (76 Fed.
14 Reg. 3821; relating to improving regulation and regu-
15 latory review), or any related or successor orders.

16 “(d) DEFINITION.—In this section, the term ‘eco-
17 nomically significant’, when used with respect to a draft,
18 proposed, or final regulation or executive action, means
19 that the regulation or executive action is likely, as deter-
20 mined by the Secretary—

21 “(1) to have an annual effect on the economy
22 of \$100,000,000 or more; or

23 “(2) adversely to affect in a material way the
24 economy, a sector of the economy, productivity, com-
25 petition, jobs, the environment, public health or safe-

1 ty, or State, local, or tribal governments or commu-
2 nities.”.

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