

118TH CONGRESS
1ST SESSION

S. 2872

To defer student loan payments for survivors of sex-based harassment.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2023

Mr. FETTERMAN (for himself, Mr. BOOKER, Mr. DURBIN, Ms. HIRONO, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To defer student loan payments for survivors of sex-based harassment.

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. DEFERMENT FOR VICTIMS OF SEX-BASED HAR-**

4 **ASSMENT.**

5 Section 455(f) of the Higher Education Act of 1965
6 (20 U.S.C. 1087e(f)) is amended—

7 (1) in paragraph (2)—

8 (A) by striking “or” at the end of subpara-
9 graph (C);

1 (B) by striking the period at the end of
2 subparagraph (D) and inserting “; or”; and

3 (C) by adding at the end the following:

4 “(E) not in excess of 3 years (for 1 or
5 more periods of not less than 3 months and not
6 more than 12 months), beginning on the date
7 on which the borrower—

8 “(i) ceases to carry at least one-half
9 the normal full-time work load for the
10 course of study that the borrower is pur-
11 suing, as determined by the eligible institu-
12 tion (as such term is defined in section
13 435(a)) the borrower is attending; and

14 “(ii) submits documentation to the
15 Secretary showing that the borrower re-
16 ported to a covered individual that the bor-
17 rower was a victim of sex-based harass-
18 ment (regardless of whether institutional
19 findings were made regarding that harass-
20 ment).”; and

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

22 “(6) DEFINITIONS REGARDING SEX-BASED
23 HARASSMENT.—For purposes of paragraph (2)(E)—

24 “(A) the term ‘covered individual’ means—

1 “(i) the title IX coordinator at the in-
 2 stitution (within the meaning of section
 3 106.8 of title 34, Code of Federal Regula-
 4 tions, or successor regulations);

5 “(ii) another title IX official or ad-
 6 ministrator at the institution; or

7 “(iii) a health care provider; and

8 “(B) the term ‘sex-based harassment’
 9 means—

10 “(i) sexual harassment, as defined in
 11 paragraph (1) or (2) of section 106.30(a)
 12 of title 34, Code of Federal Regulations
 13 (as in effect on September 30, 2023);

14 “(ii) dating violence, domestic vio-
 15 lence, or stalking, as those terms are de-
 16 fined in section 485(f)(6)(A)(i); or

17 “(iii) sexual assault, as that term is
 18 defined in section 485(f)(6)(A)(v).”.

19 **SEC. 2. RETURN OF FUNDS WAIVER.**

20 Section 484B(b)(2) of the Higher Education Act of
 21 1965 (20 U.S.C. 1091b(b)(2)) is amended by adding at
 22 the end the following:

23 “(F) WAIVERS OF GRANT ASSISTANCE AND
 24 LOAN REPAYMENT BY STUDENTS WHO ARE VIC-
 25 TIMS OF SEX-BASED HARASSMENT.—In addi-

1 tion to the waivers authorized by subparagraphs
2 (D) and (E), the Secretary may waive the
3 amounts that students are required to return
4 under this section with respect to any grant as-
5 sistance (including Federal Pell Grants) or
6 loans made under this title if the withdrawals
7 on which the returns are based are withdrawals
8 by students—

9 “(i) whose attendance was interrupted
10 due to being a victim of sex-based harass-
11 ment (as such term is defined in section
12 455(f)(6)); and

13 “(ii) in the case of students who, in
14 the absence of this subparagraph, would
15 have been required to return loans made
16 under this title, who are receiving a
17 deferment under section 455(f)(2)(E) on
18 such loans.”.

19 **SEC. 3. REPORT TO CONGRESS.**

20 Not later than 5 years after the date of enactment
21 of this Act, the Secretary of Education shall prepare and
22 submit to Congress a report that includes an evaluation
23 of the effectiveness of the activities established under this
24 Act, and the amendments made by this Act, including op-
25 portunities for increased program integrity.