

117TH CONGRESS  
2D SESSION

# S. 4094

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.

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## IN THE SENATE OF THE UNITED STATES

APRIL 27, 2022

Mr. THUNE (for himself, Mr. BURR, Mr. BRAUN, Mr. CASSIDY, and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## 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 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The Higher Education Relief Opportunities  
2 for Students Act of 2003 (20 U.S.C. 1098aa et seq.)  
3 was intended to provide relief opportunities for  
4 members of the armed services.

5           (2) The authority provided under the Higher  
6 Education Relief Opportunities for Students Act of  
7 2003 has been abused by the Executive Branch dur-  
8 ing the COVID–19 national emergency regarding  
9 the payment of Federal student loans.

10          (3) The unilateral payment pause on Federal  
11 student loans has cost \$100,000,000,000.

12          (4) The individuals benefitting the most from  
13 the payment pause continued by the Executive  
14 Branch are doctors, who receive 11 times the benefit  
15 of bachelor’s degree recipients and 14 times the ben-  
16 efit of associate’s degree recipients.

17 **SEC. 3. AMENDMENTS TO THE HIGHER EDUCATION RELIEF**  
18 **OPPORTUNITIES FOR STUDENTS ACT OF 2003.**

19          Section 5(2) of the Higher Education Relief Opportu-  
20 nities for Students Act of 2003 (20 U.S.C. 1098ee) is  
21 amended—

22           (1) in the matter preceding subparagraph (A),  
23 by inserting “(or the spouse or dependent of the  
24 parent, as that term is used in section 480 of the

1 Higher Education Act of 1965 (20 U.S.C. 1087vv))”  
2 after “an individual”;

3 (2) in subparagraph (A), by inserting “and”  
4 after the semicolon;

5 (3) in subparagraph (B), by striking the semi-  
6 colon and inserting a period; and

7 (4) by striking subparagraphs (C) and (D).

8 **SEC. 4. HIGHER EDUCATION RELIEF OPPORTUNITIES FOR**  
9 **CIVILIANS IN THE CASE OF A NATIONAL**  
10 **EMERGENCY AND LIMITATIONS ON COVERED**  
11 **LOANS.**

12 (a) TEMPORARY AUTHORITY FOR HIGHER EDU-  
13 CATION RELIEF.—

14 (1) IN GENERAL.—Subject to the limitation  
15 provided in subsection (c), during the 90 day period  
16 after a declaration of a national emergency under  
17 section 201 of the National Emergencies Act (50  
18 U.S.C. 1621), the Secretary of Education may sus-  
19 pend or defer Federal student loan payments or the  
20 accrual of interest for loans made, insured or guar-  
21 anteed under part B, D, or E of title IV of the  
22 Higher Education Act of 1965 (20 U.S.C. 1071 et  
23 seq.; 1087a et seq.; 1087aa et seq.) or loans under  
24 the Health Education Assistance Loan Program.

1           (2) LIMITATION.—The Secretary of Education  
2           may not use the temporary authority provided under  
3           paragraph (1) in consecutive 90 day periods.

4           (b) RECOMMENDATIONS FOR HIGHER EDUCATION  
5 RELIEF FROM THE SECRETARY OF EDUCATION.— In the  
6 case of a national emergency declared by the President  
7 under section 201 of the National Emergencies Act (50  
8 U.S.C. 1621), the Secretary of Education shall submit to  
9 the Committee on Health, Education, Labor, and Pen-  
10 sions of the Senate and the Committee on Education and  
11 Labor of the House of Representatives, not later than 60  
12 days after the date of such declaration, a report that in-  
13 cludes any recommendations on relief necessary for recipi-  
14 ents of student financial assistance under title IV of the  
15 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

16           (c) LIMITS ON EXECUTIVE AUTHORITY TO SUSPEND  
17 OR DEFER FEDERAL STUDENT LOAN PAYMENTS OR IN-  
18 TEREST.—

19           (1) IN GENERAL.—Notwithstanding any other  
20 provision of law, the President or the Secretary of  
21 Education may not suspend or defer Federal student  
22 loan payments on covered loans or the accrual of in-  
23 terest on covered loans of borrowers with annual  
24 household incomes over 400 percent of the poverty  
25 line (as determined under the poverty guidelines up-

1       dated periodically in the Federal Register by the De-  
2       partment of Health and Human Services under the  
3       authority of section 673(2) of the Community Serv-  
4       ices Block Grant Act (42 U.S.C. 9902(2))).

5               (2) APPLICATION OF CONGRESSIONAL REVIEW  
6       ACT.—In any case where the President or the Sec-  
7       retary of Education suspends or defers Federal stu-  
8       dent loan payments on covered loans or the accrual  
9       of interest on covered loans through any type of ex-  
10      ecutive or regulatory action, the suspension or defer-  
11      ral shall be—

12                   (A) deemed to be a major rule for purposes  
13                   of chapter 8 of title 5, United States Code  
14                   (commonly known as the “Congressional Review  
15                   Act”); and

16                   (B) subject to congressional disapproval in  
17                   accordance with such chapter.

18               (d) LIMITS ON EXECUTIVE AUTHORITY TO CANCEL  
19      STUDENT LOANS.—

20                   (1) IN GENERAL.—Notwithstanding any other  
21                   provisions of law, the President or the Secretary of  
22                   Education may not cancel the outstanding balances,  
23                   or a portion of the balances, on covered loans due  
24                   to the COVID–19 national emergency or any other  
25                   national emergency.

1           (2) APPLICATION OF CONGRESSIONAL REVIEW  
2     ACT.—In any case where the President or the Sec-  
3     retary of Education cancels the outstanding bal-  
4     ances, or portion of the balances, on covered loans  
5     through any type of executive or regulatory action,  
6     the cancellation shall be—

7           (A) deemed to be a major rule for purposes  
8           of chapter 8 of title 5, United States Code  
9           (commonly known as the “Congressional Review  
10          Act”); and

11          (B) subject to congressional disapproval in  
12          accordance with such chapter.

13     (e) IMPLEMENTATION.—

14           (1) REGARDING SUSPENSIONS OR DEFERMENTS  
15     OF FEDERAL STUDENT LOAN PAYMENTS ONGOING  
16     AT THE TIME OF ENACTMENT.—Not later than the  
17     effective date of this Act, any suspension or  
18     deferment of Federal student loan payments on cov-  
19     ered loans due to the COVID–19 national emergency  
20     shall terminate. Notwithstanding any other provision  
21     of law, a subsequent suspension or deferment of  
22     Federal student loan payments on covered loans for  
23     the COVID–19 national emergency shall be prohib-  
24     ited.

1           (2) REGARDING CANCELLATION OF STUDENT  
 2           LOANS PRIOR TO EFFECTIVE DATE.—Any cancella-  
 3           tion of the outstanding balance, or portion of a bal-  
 4           ance, on a covered loan made by the President or  
 5           Secretary of Education through any type of execu-  
 6           tive or regulatory action in the 30 days before the  
 7           effective date of this Act shall be—

8                   (A) deemed to be a major rule for purposes  
 9                   of chapter 8 of title 5, United States Code  
 10                  (commonly known as the “Congressional Review  
 11                  Act”); and

12                   (B) subject to congressional disapproval in  
 13                  accordance with such chapter.

14           (f) DEFINITION OF COVERED LOAN.—In this sub-  
 15           section, the term “covered loan” means a loan made, in-  
 16           sured, or guaranteed under part B, D, or E of title IV  
 17           of the Higher Education Act of 1965 (20 U.S.C. 1071  
 18           et seq.; 1087a et seq.; 1087aa et seq.) or a loan under  
 19           the Health Education Assistance Loan Program.

20   **SEC. 5. EFFECTIVE DATE.**

21           This Act, and the amendments made by this Act,  
 22           shall take effect on the date that is 30 days after the date  
 23           of enactment of this Act.

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