

118TH CONGRESS
1ST SESSION

S. 506

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

FEBRUARY 16, 2023

Mr. THUNE (for himself, Mr. CASSIDY, Mr. BARRASSO, Mrs. BRITT, Mr. CRAMER, Ms. ERNST, Mr. GRASSLEY, Mr. MARSHALL, Mr. SCOTT of Florida, and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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:

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 more than \$160,000,000,000.

12 (4) The unilateral payment pause on Federal
13 student loans has inflationary impacts.

14 (5) The individuals benefitting the most from
15 the payment pause continued by the executive
16 branch are doctors, who receive 11 times the benefit
17 of bachelor’s degree recipients and 16 times the ben-
18 efit of associate’s degree recipients.

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

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

24 (1) in the matter preceding subparagraph (A),
25 by inserting “(or the spouse or dependent of the

1 parent, as that term is used in section 480 of the
2 Higher Education Act of 1965 (20 U.S.C. 1087vv))”
3 after “an individual”;

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

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

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

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

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

15 (1) IN GENERAL.—Subject to the limitation
16 provided in subsection (c), during the 90 day period
17 after a declaration of a national emergency under
18 section 201 of the National Emergencies Act (50
19 U.S.C. 1621), the Secretary of Education may sus-
20 pend or defer Federal student loan payments or the
21 accrual of interest for loans made, insured or guar-
22 anteed under part B, D, or E of title IV of the
23 Higher Education Act of 1965 (20 U.S.C. 1071 et
24 seq.; 1087a et seq.; 1087aa et seq.) or loans under
25 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 the Workforce of the House of Representatives, not later
12 than 60 days after the date of such declaration, a report
13 that includes any recommendations on relief necessary for
14 recipients of student financial assistance under title IV of
15 the Higher Education Act of 1965 (20 U.S.C. 1070 et
16 seq.).

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

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

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

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

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

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

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

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

1 to the COVID–19 national emergency or any other
2 national emergency.

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

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

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

15 (e) IMPLEMENTATION.—

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

1 the COVID–19 national emergency shall be prohib-
2 ited.

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

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

14 (B) subject to congressional disapproval in
15 accordance with such chapter.

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

1 **SEC. 5. EFFECTIVE DATE.**

2 This Act, and the amendments made by this Act,
3 shall take effect on the date that is 30 days after the date
4 of enactment of this Act.

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