

117TH CONGRESS  
1ST SESSION

# S. 995

To amend the Stop Student Debt Relief Scams Act of 2019 to make technical corrections.

---

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2021

Ms. BALDWIN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To amend the Stop Student Debt Relief Scams Act of 2019 to make technical corrections.

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 Student Debt  
5 Relief Scams Technical Corrections Act”.

6 **SEC. 2. GUIDANCE ON CRIMINAL PENALTIES.**

7 The Stop Student Debt Relief Scams Act of 2019  
8 (Public Law 116–251) is amended in section 2(b) by strik-  
9 ing “The Secretary” and inserting “Not later than July  
10 1, 2021, the Secretary”.

1 **SEC. 3. REQUIREMENTS FOR THIRD-PARTY DATA SYSTEM**  
2 **ACCESS.**

3 (a) AMENDMENTS.—Subsection (e) of section 485B  
4 of the Higher Education Act of 1965, as added by section  
5 4(3) of the Stop Student Debt Relief Scams Act of 2019  
6 (Public Law 116–251), is amended—

7 (1) in paragraph (1), in the matter preceding  
8 subparagraph (A), by inserting “, at the discretion  
9 of the Secretary,” after “may”;

10 (2) in paragraph (2)—

11 (A) in the matter preceding subparagraph  
12 (A), by striking “means—” and inserting  
13 “means either of the following.”;

14 (B) in subparagraph (A)—

15 (i) by striking “a guaranty agency”  
16 the first place such term appears and in-  
17 serting “A guaranty agency”; and

18 (ii) by striking “; or” and inserting a  
19 period; and

20 (C) by striking subparagraph (B) and in-  
21 serting the following:

22 “(B)(i) An attorney, government, agency,  
23 or organization described in any of subclauses  
24 (I) through (IV) of clause (ii), who or that—

1           “(I) is providing financial or student  
2           loan repayment services or counseling to a  
3           student, borrower, or parent;

4           “(II) has not engaged in unfair, de-  
5           ceptive, or abusive practices (including an  
6           entity that is owned or operated by a per-  
7           son or entity that engaged in such prac-  
8           tices), as determined by the Secretary;

9           “(III) accesses the system only  
10          through a separate point of entry; and

11          “(IV) has consent from the relevant  
12          student, borrower, or parent to access the  
13          system.

14          “(ii)(I) A licensed attorney representing a  
15          student, borrower, or parent.

16          “(II) A Federal, State, local, or Tribal gov-  
17          ernment or agency.

18          “(III) A nonprofit organization.

19          “(IV) A for-profit organization—

20               “(aa) authorized as a public benefit  
21               corporation to provide a public benefit of  
22               objective and accurate financial or student  
23               loan repayment services or counseling;

1           “(bb) that is approved by the Sec-  
2           retary in accordance with paragraphs (3)  
3           and (4); and

4           “(cc) that does not charge the stu-  
5           dent, borrower, or parent a fee or any  
6           other monetary charge for financial or stu-  
7           dent loan repayment services or counseling  
8           or any other services at any point.”; and

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

10           “(3) DISCRETION TO APPROVE APPLICA-  
11           TIONS.—Approval of applications from authorized  
12           persons or entities for third-party data access shall  
13           be at the discretion of the Secretary after consider-  
14           ation of such applications as the Secretary may pre-  
15           scribe. Authorized access shall be for periods as the  
16           Secretary may determine and may be terminated at  
17           the discretion of the Secretary.

18           “(4) CONSIDERATION FOR FOR-PROFIT ORGANI-  
19           ZATION APPROVAL TO ACCESS THE SYSTEM.—In  
20           considering applications for approval for third-party  
21           data system access in accordance with this sub-  
22           section by a for-profit organization described in  
23           paragraph (2)(B)(ii)(IV), the Secretary shall—

24           “(A) consider how the no fee service or  
25           counseling to the student, borrower, or parent

1 is funded and determine whether the organiza-  
2 tion provides financial or student loan repay-  
3 ment services or counseling in the best interest  
4 of students, borrowers, or parents, in consulta-  
5 tion with the Private Education Loan Ombuds-  
6 man of the Consumer Financial Protection Bu-  
7 reau (designated pursuant to section 1035 of  
8 the Consumer Financial Protection Act of 2010  
9 Act (12 U.S.C. 5535)); and

10 “(B) respond in writing, which may in-  
11 clude electronic communication, to such organi-  
12 zation regarding such application not later than  
13 180 days after the date of submission of the ap-  
14 plication.”.

15 (b) EFFECTIVE DATE.—The amendments made in  
16 this section shall take effect as if included in the Stop Stu-  
17 dent Debt Relief Scams Act of 2019 (Public Law 116–  
18 251) and in accordance with section 6 of such Act.

○