

116TH CONGRESS
1ST SESSION

H. R. 3027

To establish student loan borrowers' rights to basic consumer protections, reasonable and flexible repayment options, access to earned credentials, and effective loan cancellation in exchange for public service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2019

Ms. WILSON of Florida introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, the Judiciary, and Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish student loan borrowers' rights to basic consumer protections, reasonable and flexible repayment options, access to earned credentials, and effective loan cancellation in exchange for public service, 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 “Student Loan Bor-
5 rowers’ Bill of Rights Act of 2019”.

1 **TITLE I—BORROWERS’ RIGHT TO**
2 **BASIC CONSUMER PROTEC-**
3 **TIONS**

4 **SEC. 101. DISCHARGEABILITY OF STUDENT LOANS IN**
5 **BANKRUPTCY CASES.**

6 Section 523(a) of title 11 of the United States Code
7 is amended by striking paragraph (8).

8 **SEC. 102. REINSTATEMENT OF THE 6-YEAR STATUTE OF**
9 **LIMITATIONS FOR STUDENT LOANS.**

10 Subsection (a) of section 484A of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1091a(a)) is amended to
12 read as follows:

13 “(a) **STATUTE OF LIMITATIONS.**—Notwithstanding
14 any Federal or State statutory, regulatory, or administra-
15 tive limitation on the period within which debts may be
16 enforced—

17 “(1) an institution that receives funds under
18 this title may file a suit or initiate or take another
19 action for collection of a refund due from a student
20 on a grant made, or work assistance awarded, under
21 this title, during the 6-year period beginning on the
22 day after the refund first became due (exclusive of
23 the period during which the State statute of limita-
24 tions otherwise applicable to a suit under this para-
25 graph would be tolled under State law);

1 “(2) a guaranty agency that has an agreement
2 with the Secretary under section 428(c) may file a
3 suit or initiate or take another action for collection
4 of the amount due from a borrower on a loan made
5 under part B during the 6-year period beginning on
6 the day after such guaranty agency reimburses the
7 previous holder of the loan for its loss on account of
8 the default of the borrower (exclusive of the period
9 during which the State statute of limitations other-
10 wise applicable to a suit under this paragraph would
11 be tolled under State law);

12 “(3) an institution that has an agreement with
13 the Secretary pursuant to section 487 may file a suit
14 or initiate or take another action for collection of the
15 amount due from a borrower on a loan made under
16 part D or E after the default of the borrower on
17 such loan during the 6-year period beginning on the
18 day after the date of the default of the borrower
19 with respect to such amount (exclusive of the period
20 during which the State statute of limitations other-
21 wise applicable to a suit under this paragraph would
22 be tolled under State law); or

23 “(4) the Secretary, the Attorney General, or the
24 administrative head of another Federal agency, as
25 the case may be, may file a suit or initiate or take

1 another action for collection of a refund due from a
 2 student on a grant made under this title, or for the
 3 repayment of the amount due from a borrower on a
 4 loan made under this title that has been assigned to
 5 the Secretary under this title, during the 6-year pe-
 6 riod beginning on the day after the refund or the
 7 amount first became due.”.

8 **SEC. 103. PROHIBITION OF COLLECTION OF STUDENT**
 9 **LOANS THROUGH CERTAIN OFFSETS OR**
 10 **THROUGH WAGE GARNISHMENT.**

11 (a) PROHIBITION ON OFFSET OF SOCIAL SECURITY
 12 BENEFITS.—Section 3716(c)(3)(A) of title 31, United
 13 States Code, is amended—

14 (1) in clause (i), by striking “except as provided
 15 in clause (ii)” and inserting “except as provided in
 16 clauses (ii) and (iii)”; and

17 (2) by adding at the end the following new
 18 clause:

19 “(iii) Notwithstanding clause (i), any payments due
 20 to an individual under Federal benefits programs cited
 21 under clause (i) shall not be subject to offset under this
 22 subsection if the offset is for payments certified by the
 23 Department of Education under a program administered
 24 by the Secretary of Education under title IV of the Higher
 25 Education Act of 1965 (20 U.S.C. 1070 et seq.).”.

1 (b) PROHIBITION ON OFFSET OF TAX REFUND.—
2 Section 3720A(a) of title 31, United States Code, is
3 amended—

4 (1) by striking “Any Federal agency” and in-
5 serting “(1) Except as provided in paragraph (2),
6 any Federal agency”; and

7 (2) by adding at the end the following new
8 paragraph:

9 “(2) Any past-due legally enforceable debt owed by
10 an individual to the Department of Education under a
11 program administered by the Secretary of Education
12 under title IV of the Higher Education Act of 1965 (20
13 U.S.C. 1070 et seq.) shall not be subject to notification
14 under paragraph (1), and any refund of Federal taxes
15 paid by the individual shall not be subject to reduction
16 under subsection (c) for such debt.”.

17 (c) PROHIBITION ON WAGE GARNISHMENT.—Section
18 3720D(a) of title 31, United States Code, is amended—

19 (1) by striking “Notwithstanding” and insert-
20 ing: “(1) Except as provided in paragraph (2) and
21 notwithstanding”; and

22 (2) by adding at the end the following new
23 paragraph:

24 “(2) Any delinquent nontax debt owed by an indi-
25 vidual to the Department of Education under a program

1 administered by the Secretary of Education under title IV
 2 of the Higher Education Act of 1965 (20 U.S.C. 1070
 3 et seq.) shall not be subject to collection under this section
 4 through garnishment of disposable pay of the individual.”.

5 **TITLE II—BORROWER’S RIGHT**
 6 **TO REASONABLE AND FLEXI-**
 7 **BLE REPAYMENT OPTIONS**

8 **SEC. 201. EXCLUSION FROM GROSS INCOME FOR DIS-**
 9 **CHARGE OF STUDENT LOAN INDEBTEDNESS.**

10 (a) IN GENERAL.—Section 108(f)(1) of the Internal
 11 Revenue Code of 1986 is amended by striking “if such
 12 discharge” and all that follows and inserting a period.

13 (b) STUDENT LOANS.—Section 108(f)(2) of such
 14 Code is amended by striking “made by—” and all that
 15 follows and inserting the following: “. Such term includes
 16 indebtedness used to refinance indebtedness which quali-
 17 fies as a student loan under the preceding sentence.”.

18 (c) CONFORMING AMENDMENTS.—Section 108(f) of
 19 such Code is amended by striking paragraphs (3) and (4).

20 (d) EFFECTIVE DATE.—The amendments made by
 21 this section shall apply to discharges of indebtedness after
 22 the date of the enactment of this Act.

1 **SEC. 202. 529 PLAN DISTRIBUTION FOR STUDENT LOAN**
2 **PAYMENTS.**

3 (a) IN GENERAL.—Section 529(e)(3)(A) is amended
4 by striking clause (iii) and inserting the following new
5 clause:

6 “(iii) interest or principal paid with
7 respect to a qualified education loan (as
8 defined in section 221) with respect to a
9 designated beneficiary.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 529(e)(3)(A) of such Code is
12 amended by striking the second sentence.

13 (2) Section 72(t)(7)(A) of such Code is amend-
14 ed by inserting “, determined without regard to sub-
15 paragraph (A)(iii) thereof” after “section
16 529(e)(3)”.

17 (3) Section 530(b)(2)(A)(i) of such Code is
18 amended by inserting “, determined without regard
19 to subparagraph (A)(iii) thereof” after “section
20 529(e)(3)”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to distributions made after the
23 date of the enactment of this Act.

1 **SEC. 203. INCLUSION OF PARENT PLUS LOANS IN REPAY-**
 2 **MENT PROGRAMS.**

3 (a) INCOME CONTINGENT REPAYMENT PLAN.—Sec-
 4 tion 455(d)(1)(D) of the Higher Education Act of 1965
 5 (20 U.S.C. 1087e(d)(1)(D)) is amended by striking “, ex-
 6 cept that the plan described in this subparagraph shall
 7 not be available to the borrower of a Federal Direct PLUS
 8 loan made on behalf of a dependent student;”.

9 (b) INCOME-BASED REPAYMENT.—

10 (1) PART B LOANS.—

11 (A) REPAYMENT PLANS.—Section
 12 428(b)(9)(A)(v) of the Higher Education Act of
 13 1965 (20 U.S.C. 1078(b)(9)(A)(v)) is amended
 14 by striking “, except that the plan described in
 15 this clause shall not be available to a borrower
 16 for a loan under section 428B made on behalf
 17 of a dependent student or for a consolidation
 18 loan under section 428C, if the proceeds of such
 19 loan were used to discharge the liability of a
 20 loan under section 428B made on behalf of a
 21 dependent student”.

22 (B) CONSOLIDATION LOANS.—Section
 23 428C(c)(3) of such Act (20 U.S.C. 1078–
 24 3(c)(3)) is amended—

25 (i) in subparagraph (A), by inserting
 26 “and” at the end;

- 1 (ii) in subparagraph (B), by striking
2 “and” at the end and inserting a period;
3 and
4 (iii) by striking subparagraph (C).

5 (2) PART D LOANS.—Section 455(d)(1)(E) of
6 such Act (20 U.S.C. 1087e(d)(1)(D)) is amended by
7 striking “, except that the plan described in this
8 subparagraph shall not be available to the borrower
9 of a Federal Direct PLUS Loan made on behalf of
10 a dependent student or a Federal Direct Consolida-
11 tion Loan, if the proceeds of such loan were used to
12 discharge the liability on such Federal Direct PLUS
13 Loan or a loan under section 428B made on behalf
14 of a dependent student”.

15 (3) IBR.—Section 493C of such Act (20 U.S.C.
16 1098e) is amended—

17 (A) in subsection (a)—

18 (i) by striking “this section” and all
19 that follows through “hardship” and in-
20 serting “In this section, the term ‘partial
21 financial hardship’ ”; and

22 (ii) by striking, “(other than an ex-
23 cepted PLUS loan or excepted consolida-
24 tion loan)”;

25 (B) in subsection (b)—

1 (i) in paragraph (1), by striking
 2 “(other than an excepted PLUS loan or
 3 excepted consolidation loan)”;

4 (ii) in paragraph (6)(A), by striking
 5 “(other than an excepted PLUS loan or
 6 excepted consolidation loan)”; and

7 (iii) in paragraph (7), by striking
 8 “other than a loan under section 428B or
 9 a Federal Direct PLUS Loan”; and

10 (C) in subsection (c), by striking “(other
 11 than an excepted PLUS loan or excepted con-
 12 solidation loan),”.

13 (c) LOAN FORGIVENESS FOR SERVICE IN AREAS OF
 14 NATIONAL NEED.—Section 428K(a)(2) of such Act (20
 15 U.S.C. 1078–11(a)(2)) is amended—

16 (1) in subparagraph (A), by striking “(other
 17 than an excepted PLUS loan or an excepted consoli-
 18 dation loan (as such terms are defined in section
 19 493C(a))”;

20 (2) in subparagraph (B), by striking “(other
 21 than an excepted PLUS loan or an excepted consoli-
 22 dation loan)”.

23 (d) OTHER REPAYMENT PLANS.—Any plan for the
 24 repayment of loans made under title IV of the Higher
 25 Education Act of 1965 (20 U.S.C. 1070 et seq.), which

1 is finalized by the Secretary of Education on or after the
 2 date of enactment of this Act, shall include the repayment
 3 of a loan under section 428B of the Higher Education
 4 Act of 1965, or a Federal Direct PLUS Loan under part
 5 D of title IV of such Act, that is made, insured, or guaran-
 6 teed on behalf of a dependent student.

7 **SEC. 204. DETERMINATION OF ADVERSE CREDIT HISTORY.**

8 Section 428B(a) of the Higher Education Act of
 9 1965 (20 U.S.C. 1078–2(a)) is amended in paragraph
 10 (1)(A), by striking “regulations promulgated by the Sec-
 11 retary” and inserting “section 685.200(c) of title 34, Code
 12 of Federal Regulations (as in effect on September 30,
 13 2011)”.

14 **TITLE III—BORROWERS’ RIGHT**
 15 **TO A MEANINGFUL DEGREE**

16 **SEC. 301. PROHIBITION ON SUSPENSIONS OF PROFES-**
 17 **SIONAL LICENSES FOR LOAN DEFAULT.**

18 No evidence of an individual’s default on the repay-
 19 ment of a loan made, insured, or guaranteed under title
 20 IV of the Higher Education Act of 1965 (20 U.S.C. 1070
 21 et seq.) may be admitted into evidence in a Federal or
 22 State proceeding involving the individual’s professional or
 23 vocational license.

1 **SEC. 302. PROHIBITION ON LOSS OF ACCESS TO TRAN-**
 2 **SCRIPTS FOR LOAN DEFAULT.**

3 Section 487(a) of the Higher Education Act of 1965
 4 (20 U.S.C. 1094(a)) (as amended by section 301) is fur-
 5 ther amended by adding at the end the following new para-
 6 graph:

7 “(30)(A) The institution will not prohibit a stu-
 8 dent from accessing the student’s transcripts, degree
 9 scrolls, or other certifications of coursework or edu-
 10 cational attainments at the institution because the
 11 student is in default on the repayment of a loan
 12 made, insured, or guaranteed under this title.

13 “(B) For purposes of this paragraph, the term
 14 ‘student’ includes former students.”.

15 **TITLE IV—RIGHT TO EFFECTIVE**
 16 **LOAN CANCELLATION FOR**
 17 **BORROWERS ENGAGED IN**
 18 **PUBLIC SERVICE CAREERS**

19 **SEC. 401. EXTENSION OF LOAN CANCELLATION FOR BOR-**
 20 **ROWERS EMPLOYED IN PUBLIC SERVICE**
 21 **JOBS FOR 5 YEARS.**

22 Section 455(m) of the Higher Education Act of 1965
 23 (20 U.S.C. 1087e) is amended by adding at the end the
 24 following new paragraph:

25 “(5) LOAN CANCELLATION AFTER 5 YEARS.—
 26 The Secretary shall also cancel 50 percent of the

1 balance of interest and principal due on any eligible
2 Federal Direct Loan not in default for any borrower
3 employed in a public service job for 5 years during
4 the repayment of such loans—

5 “(A) by applying paragraph (1)(A)—

6 “(i) by substituting ‘60’ for ‘120’ each
7 place it appears; and

8 “(ii) by substituting ‘October 1, 2007’
9 for ‘October 1, 2019’; and

10 “(B) by applying paragraph (2), by sub-
11 stituting ‘50 percent of the balance’ with ‘the
12 balance’.”.

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