

116TH CONGRESS
2D SESSION

H. R. 8393

To provide student loan forgiveness to health care workers who are on the frontline in response to COVID–19.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2020

Mr. VAN DREW introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Financial Services, and Ways and Means, 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 provide student loan forgiveness to health care workers who are on the frontline in response to COVID–19.

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 “Frontline Health Care
5 Worker Student Loan Assistance Act of 2020”.

6 **SEC. 2. LOAN FORGIVENESS FOR FRONTLINE HEALTH** 7 **CARE WORKERS.**

8 (a) PROGRAM AUTHORIZED.—

1 (1) LOAN FORGIVENESS AUTHORIZED.—Begin-
2 ning on the date that is 90 days after the date of
3 enactment of this Act, the Secretaries concerned
4 shall, subject to paragraph (3), forgive, in accord-
5 ance with this section, the qualified loan amount de-
6 scribed in subsection (b) of the student loan obliga-
7 tion of a borrower who is a frontline health care
8 worker (or whose child is a frontline health care
9 worker, in the case of a borrower of a loan described
10 in section 9(4)(B)).

11 (2) METHODS OF LOAN FORGIVENESS.—

12 (A) IN GENERAL.—To provide loan for-
13 givenness under paragraph (1) to each borrower
14 who is a frontline health care worker, the Secre-
15 taries concerned shall carry out a program—

16 (i) through the holder of the loan, to
17 assume the obligation to repay, by direct
18 payments on behalf of a borrower to the
19 holder of such loan, a qualified loan
20 amount for an eligible Federal student
21 loan made, insured, or guaranteed under
22 part B of title IV of the Higher Education
23 Act of 1965 (20 U.S.C. 1071 et seq.);

24 (ii) to cancel a qualified loan amount
25 for an eligible Federal student loan made

under part D or part E of such title (20 U.S.C. 1087a et seq.; 1087aa et seq.); and

(iii) to assume the obligation to repay, by direct payments on behalf of a borrower to the private educational lender of such loan, a qualified loan amount of an eligible private student loan in order to discharge the borrower of such loan from any remaining obligation to the private educational lender with respect to such qualified loan amount.

(B) FORGIVENESS THROUGH REIMBURSEMENT.—Notwithstanding subparagraph (A), for each borrower who is a frontline health care worker and who has made one or more monthly payments toward the—

(i) outstanding eligible Federal student loan balance of the borrower during the covered period, the Secretary of Education shall reimburse the borrower, through direct payment to the borrower, in an amount equal to the total amount of such monthly payments made by the borrower on or after January 31, 2020, and before the first date on which any portion

of a borrower's loans are forgiven in accordance with subparagraph (A); and

(ii) outstanding eligible private student loan balance of the borrower during the covered period, the Secretary of the Treasury shall reimburse the borrower, through direct payment to the borrower, in an amount equal to the total amount of such monthly payments made by the borrower on or after January 31, 2020, and before the first date on which any portion of a borrower's loans are forgiven in accordance with subparagraph (A).

(3) AUTHORITY OF THE SECRETARIES CONCERNED.—The Secretary of Education shall have the authority to carry out the loan forgiveness program authorized under this section only with respect to eligible Federal student loans, and the Secretary of the Treasury shall have the authority to carry out such loan forgiveness program only with respect to eligible private student loans.

(b) QUALIFIED LOAN AMOUNT.—

(1) TOTAL AMOUNT.—The Secretaries concerned shall forgive for each borrower who is a frontline health care worker an amount equal to the

1 sum of the monthly loan payments that are due, sus-
2 pended, or paid on each eligible Federal student loan
3 and each eligible private student loan of the bor-
4 rower during the covered period. Each monthly loan
5 payment that is included in the qualified loan
6 amount of such a borrower shall be paid, pursuant
7 to paragraph (2), in accordance with either subpara-
8 graph (A) or subparagraph (B) of subsection (a)(2),
9 but not both.

10 (2) METHODS OF FORGIVENESS OF QUALIFIED
11 LOAN AMOUNT.—The Secretaries concerned shall de-
12 termine the method of forgiveness for each monthly
13 loan payment included in a qualified loan amount as
14 follows:

15 (A) The Secretaries concerned shall pro-
16 vide forgiveness in accordance with subpara-
17 graph (A) of subsection (a)(2) for—

18 (i) each monthly loan payment during
19 the covered period that is due on or after
20 the date that is 90 days after the date of
21 enactment of this Act;

22 (ii) each monthly loan payment during
23 the covered period that is due before the
24 date that is 90 days after the date of en-

1 actment of this Act and has not been paid
2 before such date; and

3 (iii) the total amount of the monthly
4 loan payments that are suspended as a re-
5 sult of a qualifying emergency pursuant to
6 section 3513 of the CARES Act (20
7 U.S.C. 1001 note) or at the direction of
8 the Secretary of Education, determined by
9 calculating the sum of the amounts of each
10 monthly loan payment that would have
11 been due during the covered period if
12 monthly loan payments were not sus-
13 pended.

14 (B) The Secretaries concerned shall pro-
15 vide forgiveness in accordance with subpara-
16 graph (B) of subsection (a)(2) for the total
17 amount of monthly loan payments during the
18 period beginning on January 31, 2020, and
19 ending on the date that is 90 days after the
20 date of enactment of this Act, that have been
21 paid by the borrower on or before the termi-
22 nation of such period.

23 (c) CONSIDERATION OF PAYMENTS.—Notwith-
24 standing any other provision of the Higher Education Act
25 of 1965 (20 U.S.C. 1001 et seq.), the Secretary of Edu-

1 cation shall deem each month for which a loan payment
 2 was forgiven under this section as if the borrower of the
 3 loan had made a payment for the purpose of any loan for-
 4 giveness program or loan rehabilitation program author-
 5 ized under part B or D of title IV of the Higher Education
 6 Act of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.) for
 7 which the borrower would have otherwise qualified.

8 (d) EXCLUSION FROM TAXABLE INCOME.—The
 9 qualified loan amount of a borrower that is forgiven under
 10 this section, including through reimbursement pursuant to
 11 subsection (a)(2)(B), shall not be included in the gross
 12 income of the borrower for purposes of the Internal Rev-
 13 enue Code of 1986.

14 **SEC. 3. COORDINATED PROGRAM REQUIREMENTS.**

15 The Secretaries concerned shall jointly develop the
 16 program required under section 2, and shall coordinate
 17 and consult with one another in carrying out such pro-
 18 gram to ensure that—

- 19 (1) borrowers with outstanding eligible Federal
 20 student loans and borrowers with outstanding eligi-
 21 ble private student loans are notified of the avail-
 22 ability of student loan forgiveness under this Act;
- 23 (2) frontline health care workers who are bor-
 24 rowers of both eligible Federal student loans and eli-
 25 gible private student loans may apply for loan for-

1 givenness of both Federal and private student loans
2 under section 2 with submission of only one applica-
3 tion;

4 (3) determinations of eligibility are uniform and
5 consistent, regardless of whether the frontline health
6 care worker is a borrower of eligible Federal student
7 loans, eligible private student loans, or both; and

8 (4) such program is made available to any
9 frontline health care worker (including a worker who
10 does not meet the definition of frontline health care
11 worker solely because such worker did not complete
12 at least 3 months of full-time service (or the equiva-
13 lent) prior to death) who was a borrower of eligible
14 Federal student loans, eligible private student loans,
15 or both, and who died as a result of the coronavirus,
16 to relieve the family and estate of such deceased
17 worker of the burden of the student loan obligation
18 of the such deceased worker.

19 **SEC. 4. NOTICE OF AVAILABILITY OF LOAN FORGIVENESS.**

20 (a) NOTICE TO THE PUBLIC.—Not later than 15 days
21 after the date of enactment of this Act, the Secretaries
22 concerned, in consultation with institutions of higher edu-
23 cation and lenders and holders of Federal student loans
24 and private education loans, shall take such actions as
25 may be necessary to ensure that borrowers who have out-

1 standing eligible Federal student loans, outstanding eligi-
2 ble private student loans, or both, are aware of the student
3 loan forgiveness program authorized by this Act. Such in-
4 formation shall—

5 (1) be presented in a form that is widely avail-
6 able to the public, especially to borrowers with eligi-
7 ble Federal student loans, eligible private student
8 loans, or both, and to frontline health care workers;

9 (2) be easily understandable; and

10 (3) clearly notify borrowers that to be consid-
11 ered for loan forgiveness under this Act, borrowers
12 must submit an application to the Secretaries con-
13 cerned, and must do so during the application period
14 described in section 5.

15 (b) NOTICE IN FEDERAL LOANS STATEMENTS.—

16 With each billing statement sent to a borrower during the
17 two-year period beginning on the 15th day after the date
18 of enactment of this Act, the Secretary of Education shall
19 include, and shall require each holder of eligible Federal
20 student loans to include, a notice informing the borrower
21 of the availability of the student loan forgiveness program
22 for frontline health care workers under this Act, including
23 where to find information about how to qualify as a front-
24 line health care worker, how to apply to such program,
25 the types of Federal and private loans that are eligible

1 for forgiveness, and the application deadline for such pro-
2 gram.

3 (c) NOTICE IN PRIVATE LOANS STATEMENTS.—Sec-
4 tion 128(e) of the Truth in Lending Act (15 U.S.C.
5 1638(e)) is amended by adding at the end the following
6 new paragraph:

7 “(12) NOTICE REQUIRED ALONG WITH BILLING
8 STATEMENTS.—With each billing statement sent to
9 the borrower during the two-year period beginning
10 on the 15th day after the date of enactment of the
11 Frontline Health Care Worker Student Loan Assist-
12 ance Act of 2020, the private educational lender
13 shall include a notice informing the borrower of the
14 availability of the student loan forgiveness program
15 for frontline health care workers under the Frontline
16 Health Care Worker Student Loan Assistance Act of
17 2020, including where to find information about how
18 to qualify as a frontline health care worker, how to
19 apply to such program, the types of Federal and pri-
20 vate loans that are eligible for forgiveness, and the
21 application deadline for such program.”.

22 **SEC. 5. APPLICATION AND DETERMINATION OF ELIGI-**
23 **BILITY.**

24 (a) APPLICATION PERIOD.—An individual may apply
25 for loan forgiveness under section 2 by submitting an ap-

1 plication to the Secretaries concerned during the period
2 that begins on the date that is 60 days after the date of
3 enactment of this Act and that ends on the date that is
4 2 years after the end of the covered period.

5 (b) DETERMINATION OF ELIGIBILITY.—

6 (1) DEVELOPMENT OF APPLICATION.—Not
7 later than 45 days after the date of enactment of
8 this Act, the Secretaries concerned shall jointly, in
9 consultation with the Secretary of Health and
10 Human Services and the Intergovernmental Working
11 Group (in accordance with section 6), develop one
12 application for borrowers of both eligible Federal
13 student loans and eligible private student loans to
14 apply for loan forgiveness under this Act.

15 (2) APPLICATION REQUIREMENTS.—The appli-
16 cation required under paragraph (1) may only in-
17 clude such information as is necessary for the Secre-
18 taries concerned to—

19 (A) make a determination of whether the
20 applicant—

21 (i) is a frontline health care worker;

22 and

23 (ii) is a borrower of an eligible Fed-
24 eral student loan, an eligible private stu-
25 dent loan, or both; and

1 (B) determine the qualified loan amount of
2 the applicant, if the application is approved, in-
3 cluding the amount described in section
4 2(b)(2)(B).

5 (3) DETERMINATION.—Not later than 30 days
6 after the date on which the Secretaries concerned re-
7 ceive an application from an individual in accordance
8 with this Act, the Secretaries concerned shall—

9 (A) confirm that such individual is a front-
10 line health care worker who is a borrower of an
11 eligible Federal student loan, an eligible private
12 student loan, or both, then notify the individual
13 of such confirmation, and grant the individual
14 loan forgiveness in accordance with section 2;
15 or

16 (B) determine that such individual is not a
17 frontline health care worker who is a borrower
18 of an eligible Federal student loan, an eligible
19 private student loan, or both, then deny such
20 application, and provide a notification to the in-
21 dividual that includes—

22 (i) that the application was denied;
23 (ii) the reason for such denial; and
24 (iii) if the application was denied be-
25 cause the Secretaries concerned determined

1 that the applicant was not a frontline
2 health care worker, an explanation that the
3 individual may appeal the denial to the
4 Intergovernmental Working Group within
5 30 days of the date of such denial, and in-
6 formation on how the applicant may sub-
7 mit such an appeal.

8 (4) TREATMENT AFTER SUCCESSFUL AP-
9 PEAL.—In the case that an individual appeals the
10 denial of an application to the Intergovernmental
11 Working Group in accordance with section 6, and
12 the individual is determined by the Intergovern-
13 mental Working Group to be a frontline health care
14 worker, the Secretaries concerned shall grant the in-
15 dividual loan forgiveness in accordance with section
16 2 not later than 30 days after the Secretaries con-
17 cerned are notified of the outcome of the appeal by
18 the Intergovernmental Working Group.

19 **SEC. 6. INTERGOVERNMENTAL WORKING GROUP.**

20 (a) ESTABLISHMENT.—Not later than 30 days after
21 the date of the enactment of this Act, the Secretaries con-
22 cerned and the Secretary of Health and Human Services
23 shall jointly establish an Intergovernmental Working
24 Group to assist, in accordance with this section, with the
25 administration of the program required under this Act.

1 (b) MEMBERSHIP.—The Intergovernmental Working
2 Group shall have 9 members, of whom—

3 (1) five members shall be selected by the Sec-
4 retary of Health and Human Services from employ-
5 ees of the Department of Health and Human Serv-
6 ices who are knowledgeable concerning the edu-
7 cation, training, employment, and medical practices
8 of health care professionals and the health care
9 workforce;

10 (2) two members shall be selected by the Sec-
11 retary of Education from employees of the Depart-
12 ment of Education who are knowledgeable con-
13 cerning eligible Federal student loans and the ad-
14 ministration of such loans; and

15 (3) two members shall be selected by the Sec-
16 retary of the Treasury from employees of the De-
17 partment of the Treasury who are knowledgeable
18 concerning eligible private student loans, the admin-
19 istration of such loans, and private educational lend-
20 ers.

21 (c) DUTIES.—The Intergovernmental Working Group
22 established under this section shall—

23 (1) develop a procedure or list of requirements,
24 including a list of the information an individual
25 needs to provide for the Secretaries concerned, to

1 determine whether an individual has made signifi-
2 cant contributions to the medical response to the
3 qualifying emergency for purposes of determining
4 whether the individual is a frontline health care
5 worker as defined in section 9(6)(B);

6 (2) not later than 10 days after the date on
7 which the Council is established, report the informa-
8 tion described in paragraph (1) to the Secretaries
9 concerned for inclusion in the application developed
10 in accordance with section 5(b)(1);

11 (3) not later than 60 days after the date on
12 which the Council is established, develop a process
13 by which—

14 (A) an applicant who is denied loan for-
15 giveness under this Act by the Secretaries con-
16 cerned because of a determination that the ap-
17 plicant is not a frontline health care worker
18 may, within 30 days of the date of such denial,
19 submit an appeal of such denial to the Intergov-
20 ernmental Working Group; and

21 (B) the Intergovernmental Working Group
22 will review the appeal and make a determina-
23 tion with respect to whether the applicant is a
24 frontline health care worker; and

1 (4) upon the request for an appeal by an appli-
2 cant described in paragraph (3), using the appeals
3 process developed under such paragraph, determine
4 within 30 days after submission of the appeal by the
5 applicant, whether the applicant is a frontline health
6 care worker, and notify the Secretaries concerned
7 and the applicant of the outcome of such appeal
8 within 15 days of such determination.

9 **SEC. 7. REGULATIONS; WAIVERS.**

10 (a) **REGULATIONS.**—The Secretaries concerned are
11 authorized to issue such regulations as may be necessary
12 to carry out this Act.

13 (b) **WAIVERS.**—In carrying out this Act, the Secre-
14 taries concerned may waive the application of—

15 (1) subchapter I of chapter 35 of title 44,
16 United States Code (commonly known as the “Pa-
17 perwork Reduction Act”);

18 (2) the master calendar requirements under
19 section 482 of the Higher Education Act of 1965
20 (20 U.S.C. 1089);

21 (3) negotiated rulemaking under section 492 of
22 the Higher Education Act of 1965 (20 U.S.C.
23 1098a); and

24 (4) the requirement to publish the notices re-
25 lated to the system of records of the agency before

1 implementation required under paragraphs (4) and
2 (11) of section 552a(e) of title 5, United States
3 Code (commonly known as the “Privacy Act of
4 1974”), except that the notices shall be published
5 not later than 180 days after the date of enactment
6 of this Act.

7 **SEC. 8. TERMINATION OF AUTHORITY.**

8 The authority of the Secretaries concerned to carry
9 out the loan forgiveness program under section 2, and the
10 authority of the Intergovernmental Working Group to
11 carry out the activities authorized under section 6, shall
12 cease on the date that is 180 days after the end date of
13 the application period described in section 5(a).

14 **SEC. 9. DEFINITIONS.**

15 In this Act:

16 (1) CORONAVIRUS.—The term “coronavirus”
17 has the meaning given the term in section 506 of the
18 Coronavirus Preparedness and Response Supple-
19 mental Appropriations Act, 2020 (Public Law 116–
20 123).

21 (2) COVERED PERIOD.—The term “covered pe-
22 riod” means the period that begins on January 31,
23 2020, and ends on the date that is 60 days after the
24 date of the expiration of the public health emergency
25 with respect to COVID–19 declared by the Secretary

1 of Health and Human Services under section 319 of
2 the Public Health Service Act (42 U.S.C. 247d) on
3 January 31, 2020.

4 (3) COVID-RELATED HEALTH CARE SERV-
5 ICES.—The term “COVID-related health care serv-
6 ices” means any health care services that relate to—

7 (A) the diagnosis, prevention, or treatment
8 of the coronavirus, including through telehealth
9 services;

10 (B) the assessment or care of the health of
11 a human being related to an actual or sus-
12 pected case of the coronavirus, including
13 through telehealth services; or

14 (C) patient care in a setting where there is
15 a reasonable expectation of risk of exposure to
16 the coronavirus.

17 (4) ELIGIBLE FEDERAL STUDENT LOAN.—The
18 term “eligible Federal student loan” means any loan
19 made, insured, or guaranteed under part B, part D,
20 or part E of title IV of the Higher Education Act
21 of 1965 before the date of enactment of this Act, in-
22 cluding—

23 (A) a consolidation loan under such title;

24 and

1 (B) a loan made to the parent of a depend-
2 ent student under section 428B of such Act (20
3 U.S.C. 1078–2), and a Federal Direct PLUS
4 Loan made to the parents of a dependent stu-
5 dent, only if the dependent student on whose
6 behalf such loan was made is a frontline health
7 care worker.

8 (5) ELIGIBLE PRIVATE STUDENT LOAN.—The
9 term “eligible private student loan” means a private
10 education loan, as defined in section 140(a) of the
11 Truth in Lending Act (15 U.S.C. 1650(a)), that was
12 expressly for the cost of attendance (as defined in
13 section 472) at an institution of higher education
14 participating in a loan program under part B, part
15 D, or part E of title IV of the Higher Education Act
16 of 1965 (20 U.S.C. 1070 et seq.), as of the date
17 that the loan was disbursed, and that was made be-
18 fore the date of enactment of this Act.

19 (6) FRONTLINE HEALTH CARE WORKER.—The
20 term “frontline health care worker” means an indi-
21 vidual who, during the qualifying emergency, for a
22 period of not less than 3 months of full-time service
23 (or the part-time equivalent), in exchange for pay-
24 ment or as a volunteer—

25 (A) is—

1 (i) a doctor, medical resident, medical
2 intern, medical fellow, nurse, home health
3 care worker, mental health professional, or
4 other health care professional who is li-
5 censed, registered, or certified under Fed-
6 eral or State law to provide health care
7 services and who provides COVID-related
8 health care services;

9 (ii) a student enrolled at an institu-
10 tion of higher education in a medical, nurs-
11 ing, or other relevant health care program
12 of study who provides COVID-related
13 health care services;

14 (iii) a laboratory worker who con-
15 ducts, evaluates, or analyzes coronavirus
16 testing;

17 (iv) a medical researcher who con-
18 ducts research related to the prevention,
19 treatment, or cure of the coronavirus; or

20 (v) an emergency medical services
21 worker who responds to health emergencies
22 or transports patients to hospitals or other
23 medical facilities; or

24 (B) does not meet the requirements of any
25 of the clauses under subparagraph (A), but is

1 a health care professional who is licensed, reg-
2 istered, or certified under Federal or State law
3 to provide health care and has made significant
4 contributions to the medical response to the
5 qualifying emergency.

6 (7) INSTITUTION OF HIGHER EDUCATION.—The
7 term “institution of higher education” has the
8 meaning given such term in section 102 of the High-
9 er Education Act of 1965 (20 U.S.C. 1002).

10 (8) PRIVATE EDUCATIONAL LENDER.—The
11 term “private educational lender” has the meaning
12 given the term in section 140(a) of the Truth in
13 Lending Act (15 U.S.C. 1650(a)).

14 (9) QUALIFYING EMERGENCY.—The term
15 “qualifying emergency” means—

16 (A) the public health emergency with re-
17 spect to COVID–19 declared by the Secretary
18 of Health and Human Services under section
19 319 of the Public Health Service Act (42
20 U.S.C. 247d) on January 31, 2020;

21 (B) an event related to the coronavirus for
22 which—

23 (i) the President declared a major dis-
24 aster or an emergency under section 401
25 or 501, respectively, of the Robert T. Staf-

1 ford Disaster Relief and Emergency Assist-
2 ance Act (42 U.S.C. 5170 and 5191); or

3 (ii) the governor of a State or terri-
4 tory of the United States declared an
5 emergency; or

6 (C) a national emergency related to the
7 coronavirus declared by the President under
8 section 201 of the National Emergencies Act
9 (50 U.S.C. 1601 et seq.).

10 (10) SECRETARIES CONCERNED.—The term
11 “Secretaries concerned” means—

12 (A) the Secretary of Education, with re-
13 spect to eligible Federal student loans and bor-
14 rowers of such loans; and

15 (B) the Secretary of the Treasury, with re-
16 spect to eligible private student loans and bor-
17 rowers of such loans.

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