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COMMITTEE ON
EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
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October 31, 2023

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary Cardona:

The U.S. House Committee on Education and the Workforce (Committee) is engaged in ongoing oversight of borrower defense activities of the U.S. Department of Education (Department). Beginning May 24, 2023, Chairman James Comer of the Committee on Oversight and Accountability and I first transmitted written requests to the Department for documents and information on borrower defense to repayment of student loans. Committee staff followed up on several occasions with written and oral status inquiries. You committed during the May 16, 2023, full committee hearing that you would provide responses, in good faith, to oversight questions and inquiries. At the hearing, you further committed to Committee member Rep. Lisa McClain that the Department would provide requested data on borrower defense to repayment claims. However, contrary to the representations made at the hearing, the Committee has not received complete responses to every borrower defense request, and with respect to some of the requests, the Committee has received no response.

As part of the Department's stonewalling, it suggested that documents we requested could not or would not be provided until after the Government Accountability Office completed its own inquiry on borrower defense to repayment. Such contentions not only lack any basis in law, but also are a direct affront to Congress's constitutional prerogatives and responsibilities.

As such, the Committee has determined that compulsory measures are necessary.

Rule X of the Rules of the House of Representatives authorizes the Committee to conduct oversight of matters involving the Department of Education to inform potential legislation.¹ Our oversight of the Department's activities related to borrower defense to repayment are within the Committee's jurisdiction and are "subject[s] on which legislation 'could be had.'"²

¹ Rules of the U.S. House of Representatives, 118th Cong. at 6,7, 9-12 (Jan. 10, 2023).

² *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020) (internal citations omitted).

Please find attached a subpoena compelling you to provide the documents and communications delineated in the attached schedule of documents no later than November 14, 2023.

Sincerely,



Virginia Foxx
Chairwoman
U.S. House Committee on Education
and the Workforce

Attachments