Congress of the United States

Washington, D.C. 20515

July 12, 2022

Delivered via E-Mail

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

Dear Secretary Cardona:

On July 6, 2022, the U.S. Department of Education (Department) released a Notice of Proposed Rule Making (NPRM) following a recently conducted negotiated rulemaking. This NPRM proposes sweeping changes to federal student loan programs which are estimated to cost the American taxpayer $85.1 billion and are buried within 750 pages of bureaucratic legalese. Therefore, we write today to oppose the Department's push for a rule of such magnitude without giving Congress and the public sufficient time to consider such changes. As such, we request an extension of the public comment period by no less than an additional 30 days.

The Department claims the proposed regulations "make critical improvements to student loan discharge programs and make student loans more affordable for borrowers." In reality, the Department is trying to regulate its way out of following duly enacted laws and to further usurp the power of the purse assigned to Congress by the U.S. Constitution. According to additional documents the Department provided to Rep. Foxx's office, the majority of the $85.1 billion cost of this NPRM would result from providing Public Service Loan Forgiveness (PSLF) to graduate student borrowers with incomes over $200,000 for which they would not otherwise qualify under existing law.[1] Moreover, when using more realistic assumptions about PSLF participation, the cost of the proposed changes to PSLF alone increase to $59.4 billion – meaning the rule in its entirety would cost nearly $120 billion. This is just one example from a 750-page proposal of how it will create significant new and ongoing taxpayer liabilities while simultaneously subverting laws passed by Congress.

It is evident this proposal is part of a frenzied effort to meet a campaign promise to forgive as much student debt as possible before the November midterm elections. In doing so, this proposal seeks to override the legislative process and ignore input from the American people. By providing a mere 30-day comment period for these significant changes, which runs afoul of the Clinton-era regulatory Executive Order 12866 strongly suggesting at least a 60-day comment period, it is

[1] 20 U.S.C. 1087e(m)

evident neither you nor your Department plan to give any serious consideration to public feedback. This is an egregious abuse of power and one which the American people will not tolerate.

Therefore, we ask that you, at a minimum, extend the public comment period by 30 days to ensure that the American public has the proper time to review this costly and burdensome proposal.

Sincerely,

Virginia Foxx

Richard Burr
Ranking Member
U.S. Senate Committee on Health, Education, Labor and Pensions

Virginia Foxx
Ranking Member
U.S. House Committee on Education and Labor