

The Coalition to Preserve PSLF

June 24, 2019

Secretary Betsy DeVos
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos,

The undersigned organizations are part of a coalition dedicated to the preservation of the Public Service Loan Forgiveness program (PSLF). We are writing to describe a serious problem in the administration of that program that you have the power to remedy.

Under 20 U.S.C. 1087e(m)(1)(b), borrowers who have fully qualified for loan forgiveness must still be working in a public interest position when they are granted forgiveness. This requirement would be unexceptionable if borrowers who have completed ten years of qualifying public service and made 120 qualifying loan repayments could have their applications for forgiveness approved promptly. But because of administrative lapses over the past decade, the Department of Education is often unable to process and approve applications promptly. As a practical matter, this means that many borrowers may be unable to obtain forgiveness unless they remain in public service jobs far beyond ten years. There is no justification for imposing this additional unintended obligation on borrowers who have fulfilled their public service requirement.

As Secretary, you have the authority to waive the requirement that borrowers still be working at a public service job when they receive forgiveness. 20 U.S.C. 1082(a)(6) authorizes the Secretary to “enforce, pay, compromise, waive, or release any right, title, lien, or demand, however acquired...” This authority applies to borrowers of Direct Loans as well as other loans. See 20 U.S.C. 1087a(b)(2) and 20 U.S.C. 1087e(a)(1). You should also waive the provision in the regulations that borrowers must still be working at public service jobs when they apply for forgiveness. 685.219(c)(1)(ii)(B). This provision, not required by statute, is inappropriate in the present context because it may take borrowers many months after their ten years of service to assemble the information they need for their application.

Thank you for your attention to this issue. We look forward to your prompt response.

Cc: Deputy General Counsel Philip H. Rosenfelt

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Sincerely,

AccessLex Institute
American Association of Colleges for Teacher Education
American Association of Colleges of Nursing
American Association of Colleges of Osteopathic Medicine
American Association of Colleges of Podiatric Medicine
American Dental Education Association
American Federation of State, County, and Municipal Employees
American Federation of Teachers
American Medical Student Association
American Psychological Association
American Veterinary Medical Association
Association of American Veterinary Medical Colleges
Association of Chiropractic Colleges
Association of School Business Officials International
Association of Schools and Programs of Public Health
Association of Schools of Allied Health Professions
California Association of Nonprofits
Committee for Public Counsel Services, Massachusetts
Council of Graduate Schools
Council on Social Work Education
Equal Justice Works
Higher Education Consortium for Special Education
Higher Education Loan Coalition
National Association of Elementary School Principals
National Association of School Psychologists
National Association of Secondary School Principals
National Association of Social Workers
National Education Association
Navigate, LLC
Physician Assistant Education Association
Teacher Education Division of the Council for Exceptional Children