

Congress of the United States
Washington, DC 20510

August 23, 2022

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

Dear Secretary Cardona:

Thank you for your continued efforts to improve the Public Service Loan Forgiveness (PSLF) program. As you know, the limited PSLF waiver announced last year has already improved the lives of more than 164,000¹ public servants who have had their student loans forgiven and 1 million² who have received an average of one additional year of PSLF credit. Yet, we write today, as we believe that additional action is needed to ensure public servants—who have been on the frontlines of the COVID-19 pandemic and recovery—can access the PSLF waiver. Currently, only an estimated 15 percent of the 9 million public service workers with student debt have filed paperwork to track their qualifying payments under PSLF.³ The Department of Education (Department) will not begin its one-time review of accounts with extended forbearances and incorrectly recorded deferments, which could help borrowers make more progress toward PSLF relief, until later this year—potentially *after* October 31, 2022. In addition, the Department recently unveiled its sweeping proposed regulations for improving student loan programs, including PSLF—which are currently on track to take effect on July 1, 2023. Thus, we request the Department extend the PSLF waiver deadline until at least July 1, 2023, in order to align with new changes under forthcoming rules and minimize confusion among borrowers.

The PSLF waiver announced by the Department last October was designed to “overhaul” the PSLF program and “make it live up to its promise” by allowing “all payments by student borrowers to count toward PSLF, regardless of loan program or payment plan.”⁴ To date, the waiver has been overwhelmingly successful in reducing barriers for borrowers to receive PSLF relief—accounting for almost all (89%) of the borrowers who have received forgiveness through

¹ U.S. Dep’t of Educ. (ED), *Public Service Loan Forgiveness Data: June 2022*, <https://studentaid.gov/data-center/student/loan-forgiveness/pslf-data> [hereinafter ED June 2022 PSLF data].

² ED, *U.S. Department of Education Announces Transformational Changes to the Public Service Loan Forgiveness Program* (Oct. 6, 2021), <https://www.ed.gov/news/press-releases/us-department-education-announces-transformational-changes-public-service-loan-forgiveness-program-will-put-over-550000-public-service-workers-closer-loan-forgiveness> [hereinafter 10/6/21 ED Announcement].

³ See Student Borrower Protection Ctr. (SBPC), *More than 9 Million Public Service Workers with Federal Student Loans Eligible for Debt Cancellation, Fewer than 2% Have Received Relief, and only 15% on Track* (Jun. 9, 2022), <https://protectborrowers.org/new-analysis-more-than-9-million-public-service-workers-with-federal-student-loans-eligible-for-debt-cancellation-fewer-than-2-percent-have-received-relief-and-only-15-percent-on-track/>.

⁴ 10/6/21 ED Announcement, *supra* note 2.

the PSLF program through June 30, 2022.⁵ Moreover, the limited waiver is also a lifeline for Federal Family Education Loan (FFEL) borrowers who, for the first time, have seen their payments acknowledged in the PSLF program. Last summer the Department called the treatment of public servants with FFEL loans “a matter of equity,”⁶ but a single year of flexibility has not been enough to overcome years of “inaccurate information about eligibility for PSLF or Direct Consolidation Loans, resulting in deceptive acts or practices.”⁷

Data indicates that only a fraction of the public servants who are eligible for PSLF have utilized the waiver. As of the end of June, the Department only has information from 1.3 million “cumulative PSLF borrowers with eligible employment and positive loan balance[s],” compared to the 9 million public service workers that the Student Borrower Protection Center identified earlier this year that could potentially be eligible for PSLF.⁸ As the Federal Reserve Bank of Richmond warns, this could leave millions of public servants at risk of missing out on the benefits of the PSLF waiver and its associated loan forgiveness.⁹

As more than 20 state attorneys general have pointed out, public service workers—particularly those in healthcare and education—continue to face challenges such as burnout and personal sacrifice to keep our nation safe during the pandemic and recovery.¹⁰ For many borrowers, the Department’s one-time review to fix forbearance and deferment failures, scheduled for later this year—potentially *after* October 31, 2022—may be the first time that they learn that certain periods of deferment and forbearance could count toward both income-driven repayment (IDR) and PSLF programs. These borrowers may qualify for immediate forgiveness—especially given the PSLF waiver—or, at minimum, advance their progress towards PSLF relief. For many public servants, losing access to the PSLF waiver before they are able to benefit from the IDR payment adjustment could prevent them from being able to pursue forgiveness under PSLF.

Importantly, extending the PSLF waiver will also allow more military service members and federal employees to make progress towards PSLF. According to a 2021 report by the Government Accountability Office, 200,000 active-duty military service members have federal student loans—about half of whom have balances over \$13,000.¹¹ Reporting shows that military service members face troubling administrative hurdles in certifying their employment for the

⁵ ED June PSLF data, *supra* note 1.

⁶ ED, *Federal Student Aid Posts Two New Quarterly Portfolio Reports to FSA Data Center and Highlights Recent Changes to Public Service Loan Forgiveness*, (Jun. 14, 2021), <https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2021-06-14/federal-student-aid-posts-two-new-quarterly-portfolio-reports-fsa-data-center-and-highlights-recent-changes-public-service-loan-forgiveness-ea-id-general-21-40>.

⁷ See CONSUMER FIN. PROT. BUREAU (CFPB), SUPERVISORY HIGHLIGHTS (Jun. 2021) at 36, https://files.consumerfinance.gov/f/documents/cfpb_supervisory-highlights_issue-24_2021-06.pdf (finding that servicers failed to tell borrowers with FFEL loans that their loans could become eligible for PSLF after consolidating into a Direct Consolidation Loan).

⁸ Compare ED June 2022 PSLF data, *supra* note 1 with SBPC, *supra* note 4.

⁹ Elizabeth Link, et al., *The Potential Impact of Public Service Student Loan Forgiveness in the Fifth District*, FED. RES. BANK RICHMOND, (August 2022), https://www.richmondfed.org/publications/research/economic_brief/2022/eb_22-29.

¹⁰ Letter from 19 states and the D.C. Attorney’s General to President Biden and Secretary Cardona (Jul. 29, 2022), <https://www.mass.gov/doc/multistate-letter-to-biden-administration-on-pslf-waiver/download>.

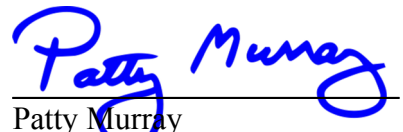
purposes of PSLF.¹² The Department is currently working to ensure that all federal agencies or departments “automatically [provide] credit toward PSLF for military service members and federal employees.”¹³ These data matches are critical to ensuring that the agency can identify which borrowers are eligible for PSLF and provide them automatic relief. By extending the PSLF waiver, more military service members and federal employees can benefit—maximizing the promise of the PSLF waiver.

Since the deadline of October 31, 2022 to qualify for PSLF under the waiver program is rapidly approaching, we ask that the Department extend this deadline in order to ensure that *all* public servants with federal student loans are able to benefit from this historic waiver. Given the issues stated above, we also ask that the Department increase its outreach to public servants and borrowers to ensure that they are aware of the waiver and understand eligibility requirements, and correct any misinformation about the waiver being communicated by student loan servicers.

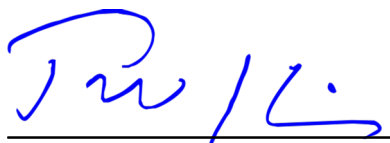
Sincerely,



Robert Menendez
United States Senator



Patty Murray
United States Senator
Chair, Committee on Health,
Education, Labor, and
Pensions



Tim Kaine
United States Senator

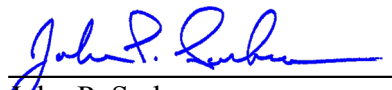



Kirsten Gillibrand
United States Senator


¹¹ U.S. GOV'T ACCOUNTABILITY OFF., GAO-21-65, PUBLIC SERVICE LOAN FORGIVENESS: DOD AND ITS PERSONNEL COULD BENEFIT FROM ADDITIONAL PROGRAM INFORMATION (2021), <https://www.gao.gov/assets/gao-21-65.pdf>.

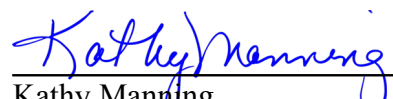
¹² See Steven Yoder, *Veterans are Tangled in Red Tape Trying to get their Student Loans Cancelled as Promised*, HECHINGER REP., (Apr. 22, 2022), <https://hechingerreport.org/a-student-loan-forgiveness-program-thats-frustrated-military-borrowers-improves-slowly/>.

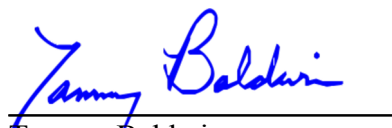
¹³ 10/6/21 ED Announcement, *supra* note 2.


John P. Sarbanes
Member of Congress

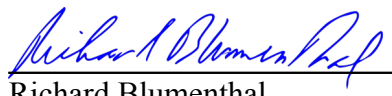

Joe Courtney
Member of Congress



Jahana Hayes
Member of Congress


Kathy Manning
Member of Congress

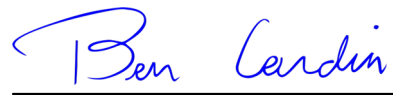

Tammy Baldwin
United States Senator



Michael F. Bennet
United States Senator


Richard Blumenthal
United States Senator

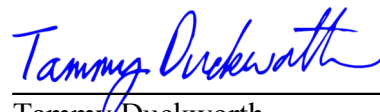

Cory A. Booker
United States Senator


Sherrod Brown
United States Senator


Benjamin L. Cardin
United States Senator



Robert P. Casey, Jr.
United States Senator



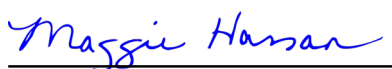
Tammy Duckworth
United States Senator



Richard J. Durbin
United States Senator



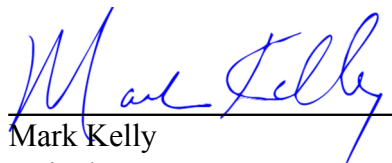
Dianne Feinstein
United States Senator



Margaret Wood Hassan
United States Senator



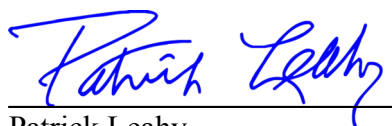
Mazie K. Hirono
United States Senator



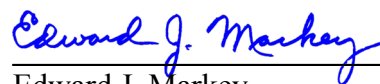
Mark Kelly
United States Senator



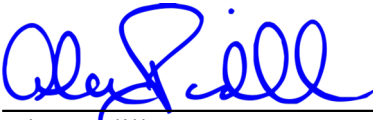
Amy Klobuchar
United States Senator



Patrick Leahy
United States Senator



Edward J. Markey
United States Senator



Alex Padilla
United States Senator



Jack Reed
United States Senator



Charles E. Schumer
United States Senator



Jeanne Shaheen
United States Senator



Tina Smith
United States Senator



Chris Van Hollen
United States Senator



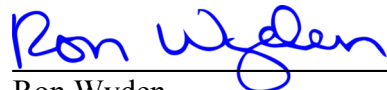
Raphael G. Warnock
United States Senator



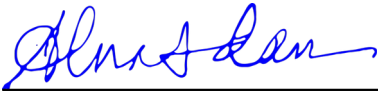
Elizabeth Warren
United States Senator




Sheldon Whitehouse
United States Senator



Ron Wyden
United States Senator



Alma S. Adams, Ph.D.
Member of Congress



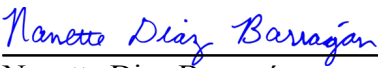
Pete Aguilar
Member of Congress



Colin Z. Allred
Member of Congress



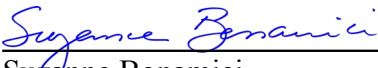
Cynthia Axne
Member of Congress



Nanette Diaz Barragán
Member of Congress



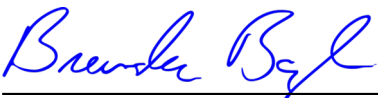
Karen Bass
Member of Congress



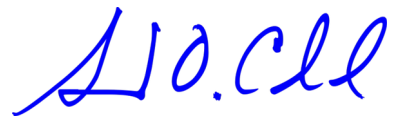
Suzanne Bonamici
Member of Congress



Jamaal Bowman, Ed.D.
Member of Congress



Brendan F. Boyle
Member of Congress



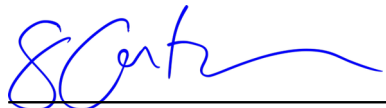
Salud Carbajal
Member of Congress



Tony Cárdenas
Member of Congress



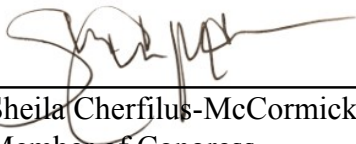
André Carson
Member of Congress



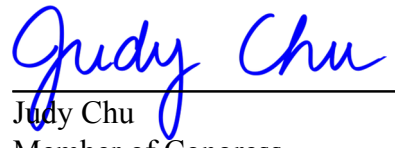
Sean Casten
Member of Congress



Kathy Castor
Member of Congress



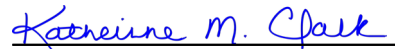
Sheila Cherfilus-McCormick
Member of Congress




Judy Chu
Member of Congress



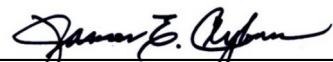
David N. Cicilline
Member of Congress



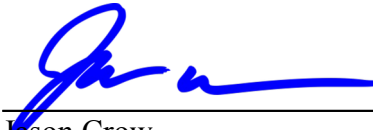
Katherine M. Clark
Member of Congress



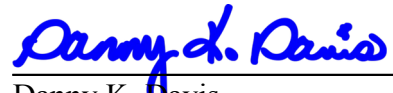
Yvette D. Clarke
Member of Congress



James E. Clyburn
Member of Congress (SC-06)



Jason Crow
Member of Congress



Danny K. Davis
Member of Congress



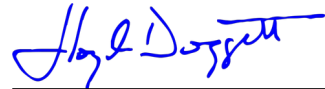
Rosa L. DeLauro
Member of Congress



Val Butler Demings
Member of Congress



Mark DeSaulnier
Member of Congress



Lloyd Doggett
Member of Congress



Adriano Espaillat
Member of Congress



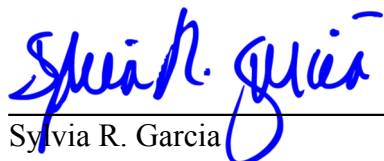
Dwight Evans
Member of Congress



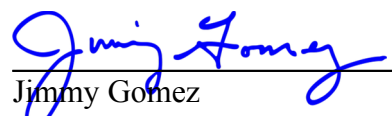
Ruben Gallego
Member of Congress



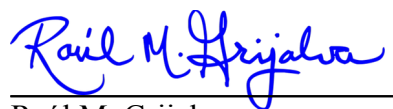
Jesús G. "Chuy" García
Member of Congress



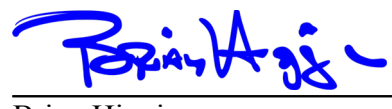
Sylvia R. Garcia
Member of Congress




Jimmy Gomez
Member of Congress



Raúl M. Grijalva
Member of Congress



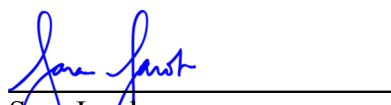
Brian Higgins
Member of Congress




Jim Himes
Member of Congress




Sheila Jackson Lee
Member of Congress



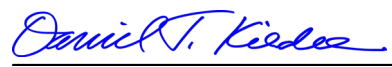
Sara Jacobs
Member of Congress




Pramila Jayapal
Member of Congress



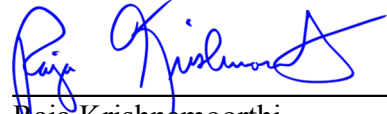
Hakeem Jeffries
Member of Congress



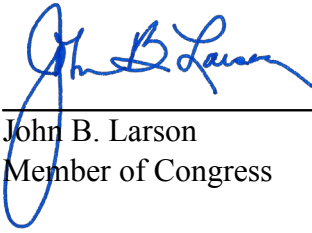
Daniel T. Kildee
Member of Congress



Derek Kilmer
Member of Congress



Raja Krishnamoorthi
Member of Congress



John B. Larson
Member of Congress




Brenda L. Lawrence
Member of Congress



Barbara Lee
Member of Congress



Teresa Leger Fernández
Member of Congress



Stephen F. Lynch
Member of Congress



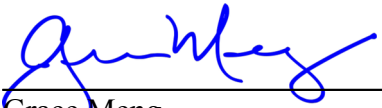
Lucy McBath
Member of Congress



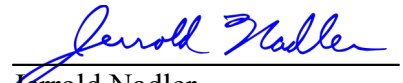
Betty McCollum
Member of Congress



James P. McGovern
Member of Congress



Grace Meng
Member of Congress



Jerrold Nadler
Member of Congress



Joe Neguse
Member of Congress



Marie Newman
Member of Congress



Donald Norcross
Member of Congress



Eleanor Holmes Norton
Member of Congress



Frank Pallone, Jr.
Member of Congress



Jimmy Panetta
Member of Congress



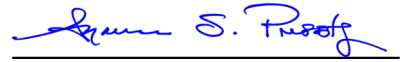
Bill Pascrell, Jr.
Member of Congress



Mark Pocan
Member of Congress



Katie Porter
Member of Congress



Ayanna Pressley
Member of Congress



Mike Quigley
Member of Congress



Jamie Raskin
Member of Congress



Deborah K. Ross
Member of Congress



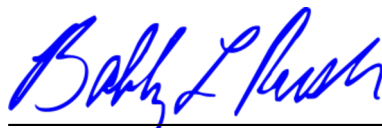
Lucille Roybal-Allard
Member of Congress



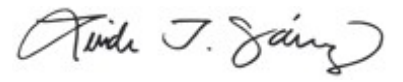
Raul Ruiz
Member of Congress




C. A. Dutch Ruppertsberger
Member of Congress




Bobby L. Rush
Member of Congress




Linda T. Sánchez
Member of Congress




Jan Schakowsky
Member of Congress




Abigail Davis Spanberger
Member of Congress



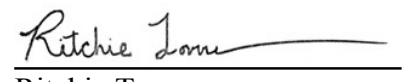
Haley M. Stevens
Member of Congress




Thomas R. Suozzi
Member of Congress



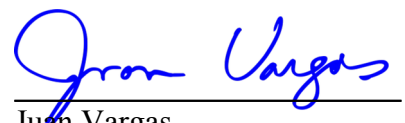
Rashida Tlaib
Member of Congress



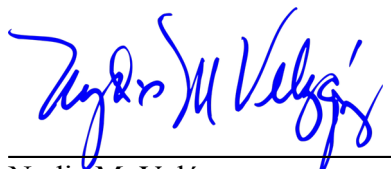
Ritchie Torres
Member of Congress



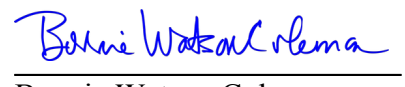
David J. Trone
Member of Congress



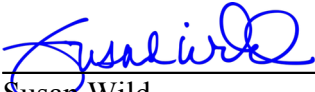
Juan Vargas
Member of Congress



Nydia M. Velázquez
Member of Congress



Bonnie Watson Coleman
Member of Congress



Susan Wild
Member of Congress



Nikema Williams
Member of Congress



Frederica S. Wilson
Member of Congress
Chair, Subcommittee on
Higher Education and
Workforce Investment



John Yarmuth
Member of Congress