

# United States Senate

WASHINGTON, DC 20510

February 11, 2025

Linda McMahon  
Secretary-Designate for the U.S. Department of Education  
America First Policy Institute  
1200 New York Ave NW  
Washington, DC 20005

Dear Ms. McMahon:

Congratulations on your nomination to serve as Secretary of the U.S. Department of Education (ED or the Department). If confirmed by the Senate, you would be responsible for enforcing critical protections for K-12 and college students; overseeing a robust financial aid program that includes \$1.6 trillion in federal student loans; funding \$54 billion annually in grants that address the needs of vulnerable and underserved students, bolster career and technical education, and otherwise advance the nation's education system; and developing and implementing regulations to improve educational outcomes and support students and families.<sup>1</sup>

While you previously served as U.S. Small Business Administrator during President Trump's first term, you have a minimal track record on education issues and strikingly little experience pertaining to education policy.<sup>2</sup> This lack of a public record means that the American people have not been afforded the opportunity to evaluate your views on topics related to the Education Secretary's core responsibilities. Accordingly, we seek to learn more about those views, especially as they relate to the student loan system and higher education affordability, and the extent to which they overlap with certain extreme stances taken by President Trump, his Project 2025 allies, and President Trump's former Education Secretary Betsy DeVos.

## **Extreme Stances of President Trump**

President Trump has repeatedly called to abolish ED—the very department he nominated you to lead.<sup>3</sup> Recent reporting indicates that he will soon issue an executive order attempting to abolish

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<sup>1</sup> U.S. Department of Education, "An Overview of the Department of Education," <https://www.ed.gov/about/ed-overview>; USAspending, "Department of Education (ED) Agency Profile," <https://www.usaspending.gov/agency/department-of-education?fy=2024>; Council on Foreign Relations, "Is Rising Student Loan Debt Harming the U.S. Economy?," April 16, 2024, <https://www.cfr.org/backgrounders/us-student-loan-debt-trends-economic-impact>.

<sup>2</sup> The Hill, "With McMahon, Trump shrugs off lack of school experience for Education nod," Lexi Lonas Cochran, November 21, 2024, <https://thehill.com/homenews/education/5000734-mcmahon-trump-education-secretary-wwe/>.

<sup>3</sup> ABC News, "Can Trump deliver on his promise to ax the Department of Education," Kiara Alfonseca and Arthur Jones II, November 19, 2024, <https://abcnews.go.com/Politics/trump-deliver-promise-ax-department-education/story?id=115871847>; NPR, "What Trump's pledge to close Dept. of Education means for students, GOP-led states," Steve Inskeep and Taylor Haney, November 15, 2024, <https://www.npr.org/2024/11/14/nx-s1-5181966/a-look-at-the-potential-impact-of-shutting-down-the-department-of-education>.

the Department through a combination of administration action and legislation.<sup>4</sup> Indeed, President Trump has said that he wants you to “put [your]self out of a job” by helping him eliminate the Department.<sup>5</sup> The harm that such a proposal would cause to students and families is grave.

ED performs a range of crucial functions to support schools and students. For example, ED’s Office for Civil Rights protects students whose civil rights have been violated.<sup>6</sup> ED also provides critical funding for and sets standards for after-school programs, education for students with disabilities, teacher training, vocational training for disabled adults, rural schools, schools’ emergency management programs, and more.<sup>7</sup> For working- and middle-class families, ED manages the federal student aid system, which helps millions of Americans cover the cost of college; this system is not perfect, but it is vastly preferable to a purely privatized system that would cost families more and offer no protections from predatory private student loan lenders.<sup>8</sup>

In his first term, President Trump’s proposed budgets would have slashed ED’s funding, even without abolishing the department. During each year of the first Trump administration, President Trump proposed deep budget cuts to ED, as high as \$9 billion, or 13 percent, of the department’s budget.<sup>9</sup> These proposed cuts would have diminished public school funding, shut down after-school programs, and spiked student loan payments.<sup>10</sup> President Trump’s track record makes it clear that, in addition to asking you to abolish the department you have been tasked to lead, he will attempt to choke off ED’s funding, drastically curtailing its ability to lower education costs and protect students.

President Trump and Project 2025 have also both proposed eliminating the Public Service Loan Forgiveness (PSLF) program, which millions of firefighters, police officers, teachers, and other public servants have relied upon for debt relief after working for at least a decade in public service.<sup>11</sup> The President’s stance on PSLF is a stark departure from the robust bipartisan support

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<sup>4</sup> CNN, “Trump administration drafting executive order to initiate Department of Education’s elimination,” Alayna Treene and Katie Lobosco, February 4, 2025, <https://www.cnn.com/2025/02/04/politics/education-department-trump-executive-order/index.html>.

<sup>5</sup> *Id.*

<sup>6</sup> U.S. Department of Education, “Office for Civil Rights (OCR),” <https://www.ed.gov/about/ed-offices/ocr>.

<sup>7</sup> U.S. Department of Education, “Grants and Programs,” <https://www.ed.gov/grants-and-programs>; U.S. Department of Education, “Rural and Insular Areas,” <https://www.ed.gov/grants-and-programs/formula-grants/rural-insular-areas>; U.S. Department of Education, “Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies,” <https://www.ed.gov/grants-and-programs/formula-grants/school-improvement/improving-basic-programs-operated-by-local-educational-agencies-esea-title-i-part-a>.

<sup>8</sup> U.S. Department of Education, “Federal Student Aid,” <https://www.ed.gov/about/ed-offices/fsa/federal-student-aid>.

<sup>9</sup> Center for American Progress, “The Trump-DeVos Budget Would Dismantle Public Education, Hurting Vulnerable Kids, Working Families, and Teachers,” Stephenie Johnson, Neil Campbell, Kami Spicklemire, and Lisette Partelow, March 17, 2017, <https://www.americanprogress.org/article/trump-devos-budget-dismantle-public-education-hurting-vulnerable-kids-working-families-teachers/>.

<sup>10</sup> *Id.*; National Association of Student Financial Aid Administrators, “Trump 2021 Budget Proposes Borrowing Limits, FSA Oversight, Significant Cuts to Student Aid,” Joelle Fredman, February 10, 2020, [https://www.nasfaa.org/news-item/20870/Trump\\_2021\\_Budget\\_Proposes\\_Borrowing\\_Limits\\_FSA\\_Oversight\\_Significant\\_Cuts\\_to\\_Student\\_Aid](https://www.nasfaa.org/news-item/20870/Trump_2021_Budget_Proposes_Borrowing_Limits_FSA_Oversight_Significant_Cuts_to_Student_Aid).

<sup>11</sup> New York Times, “What Will Trump Do With the Public Service Loan Forgiveness Program,” Ron Lieber, November 14, 2024, <https://www.nytimes.com/2024/11/14/business/trump-public-service-loan-forgiveness.html>;

garnered by the program in the years since it was signed into law by President George W. Bush.<sup>12</sup> If PSLF were eliminated for all current borrowers, over 3.6 million public service workers would be denied the relief that they expect to receive and have planned their lives around.<sup>13</sup> Eliminating the program would also exacerbate shortages in key public service occupations, including special education, nursing, and social work, as fewer students would be willing to take on the student debt necessary to obtain the education required for these occupations.

1. Do you support President Trump’s calls for ED to be abolished? If so, why?
2. Do you support President Trump’s reported executive order that would direct the ED Secretary to “diminish” ED with the eventual goal of eliminating the agency?<sup>14</sup>
  - a. If you are confirmed and President Trump asks you to implement this executive order, what actions will you take to do so?
  - b. If you are confirmed and President Trump asks you to implement this executive order, will you commit to not eliminating ED’s role in:
    - i. Administering federal student aid, including Pell grants?
    - ii. Funding career and technical education?
    - iii. Funding Historically Black Colleges and Universities and/or Hispanic-Serving Institutions?
    - iv. Protecting the civil rights of students?
    - v. Funding programs that train teachers to better educate our nation’s children?
    - vi. Monitoring federal student loan servicers?
    - vii. Sponsoring research to help policymakers and teachers improve our nation’s education system?
3. Do you support preserving and expanding ED’s current funding in future years?
  - a. If not, which of ED’s services and programs do you believe should be cut, and how would these cuts affect students and families?

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Student Borrower Protection Center, “Project 2025 PSLF State-by-State Map,” <https://protectborrowers.org/project-2025-pslf-state-by-state-map>.

<sup>12</sup> U.S. Senate Committee on Veterans Affairs, “Sens. Moran, Cortez Masto Introduce Legislation to Make it Easier for Servicemembers to Access Loan Forgiveness,” press release, October 4, 2023, <https://www.veterans.senate.gov/2023/10/sens-moran-cortez-masto-introduce-legislation-to-make-it-easier-for-servicemembers-to-access-loan-forgiveness>; U.S. Representative Chrissy Houlahan, “Reps Houlahan, Baird Introduce Bipartisan Legislation to Simplify Student Loan Forgiveness for Public Servants,” press release, Aubrey Stuber, April 12, 2022, <https://houlahan.house.gov/news/documentsingle.aspx?DocumentID=2632>.

<sup>13</sup> Student Borrower Protection Center, “Project 2025 PSLF State-by-State Map,” <https://protectborrowers.org/project-2025-pslf-state-by-state-map>.

<sup>14</sup> CNN, “Trump administration drafting executive order to initiate Department of Education’s elimination,” Alayna Treene and Katie Lobosco, February 4, 2025, <https://www.cnn.com/2025/02/04/politics/education-department-trump-executive-order/index.html>.

- b. Are there currently ED programs that you believe are underfunded and in need of additional support from Congress or the Administration?
4. Do you support the elimination of PSLF, as President Trump and Project 2025 have proposed?
5. On January 27, 2025, President Trump’s Office of Management and Budget (OMB) issued a memo calling for all federal financial assistance programs (excluding “assistance provided directly to individuals”) to be suspended.<sup>15</sup> The memo was rescinded two days later, after its implementation was halted by a federal judge.<sup>16</sup>
  - a. Did you agree with OMB’s decision to issue this memo?
  - b. Do you believe that the ED Secretary has the legal authority to block the disbursement of funds appropriated by Congress?
  - c. Will you commit to not suspending or cutting federal funding appropriated by Congress for:
    - i. Federal student aid?
    - ii. Career and technical education programs?
    - iii. Grant or loan programs for Historically Black Colleges and Universities and/or Hispanic-Serving Institutions?
    - iv. Programs that serve students with disabilities?
    - v. Programs that allocate funds to rural schools?
    - vi. Programs that train teachers to better educate our nation’s children?
    - vii. Programs that fund foreign language education and study abroad programs?
    - viii. Programs that allocate funds to colleges affected by natural disasters?
6. President Trump has granted Elon Musk’s Department of Government Efficiency (DOGE) unprecedented access to data systems across the federal government. Recent reporting suggests that DOGE staff have infiltrated ED’s student loan database, which contains sensitive information for millions of borrowers.<sup>17</sup>
  - a. Do you support the President’s decision to grant DOGE staffers this unprecedented access to ED’s data systems?

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<sup>15</sup> Office of Management and Budget, “Memorandum for Heads of Executive Departments and Agencies,” Matthew J. Vaeth, January 27, 2025, <https://www.documentcloud.org/documents/25506191-omb-memo-1-27/>.

<sup>16</sup> FedScoop, “White House rescinds memo pausing federal assistance,” Madison Alder, January 29, 2025, <https://fedscoop.com/white-house-rescinds-memo-pausing-federal-assistance/>.

<sup>17</sup> The Washington Post, “U.S. government officials privately warn Musk’s blitz appears illegal,” Jeff Stein, Dan Diamond, Faiz Siddiqui, Cat Zakrzewski, Hannah Natanson and Jacqueline Alemany, February 4, 2025, <https://www.washingtonpost.com/business/2025/02/04/elon-musk-government-legal-doge/>.

- b. Do you support any safeguards or restrictions on DOGE’s access to federal government data systems, including ED’s student loan data, FAFSA data, and other sensitive data administered by ED?

### **Extreme Project 2025 Proposals**

In addition to being chosen to lead ED by President Trump, you have been lauded as the “ideal candidate” for Education Secretary by the Heritage Foundation, the architects of Project 2025.<sup>18</sup> Project 2025 is rife with proposals that would drastically raise education costs for American families.

One of Project 2025’s most extreme proposals is to “sever[] the connection between accreditation and financial aid eligibility.”<sup>19</sup> This plan would allow colleges that have lost their accreditation—or never were accredited—to receive Title IV federal funding. Unaccredited colleges are often predatory, online-only diploma mills that offer graduates very poor employment prospects.<sup>20</sup> Allowing these institutions to receive federal dollars would be an insult to American taxpayers and students, exacerbating the waste, fraud, and abuse that President Trump has pledged to eliminate.

Project 2025 also proposed the privatization of the federal student loan system, leaving students at the mercy of unaccountable private lenders while serving as a massive handout to big banks.<sup>21</sup> In fact, Congress ended the prior bank-based system in 2010, providing key consumer protections to student borrowers and saving the federal government an estimated \$61 billion between 2010 and 2019.<sup>22</sup> Private lenders routinely engage in deceptive, often illegal practices that harm borrowers<sup>23</sup> and are not subject to the same accountability measures or reporting requirements as federal loan servicers.<sup>24</sup> They should not be allowed to take over the student loan system once again.

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<sup>18</sup> The Heritage Foundation, “Trump’s Pick for Education Secretary Shows He Understands the Assignment,” Erika Donalds, December 13, 2024, <https://www.heritage.org/education/commentary/trumps-pick-education-secretary-shows-he-understands-the-assignment>.

<sup>19</sup> Inside Higher Ed, “Project 2025 Would Radically Overhaul Higher Ed. Here’s How.,” Katherine Knott, July 11, 2024, <https://www.insidehighered.com/news/government/politics-elections/2024/07/11/how-project-2025-could-radically-reshape-higher-ed>.

<sup>20</sup> Council for Higher Education Accreditation, “Degree Mills: An Old Problem & A New Threat,” <https://www.chea.org/degree-mills-old-problem-new-threat>; Student Borrower Protection Center, “Point of Fail: How A Flood of ‘Buy Now, Pay Later’ Student Debt is Putting Millions at Risk,” March 2022, [https://protectborrowers.org/wp-content/uploads/2022/03/SBPC\\_BNPL.pdf](https://protectborrowers.org/wp-content/uploads/2022/03/SBPC_BNPL.pdf).

<sup>21</sup> The Heritage Foundation, “Mandate for Leadership 2025: The Conservative Promise,” Paul Dans and Steven Groves, April 2023, p. 340, [https://static.project2025.org/2025\\_MandateForLeadership\\_FULL.pdf](https://static.project2025.org/2025_MandateForLeadership_FULL.pdf).

<sup>22</sup> Congressional Budget Office, Letter from Douglas Elmendorf to Speaker Pelosi, March 20, 2010, <https://www.cbo.gov/sites/default/files/111th-congress-2009-2010/costestimate/amendreconprop.pdf>.

<sup>23</sup> Consumer Financial Protection Bureau, “CFPB Uncovers Illegal Practices Across Student Loan Refinancing, Servicing, and Debt Collection,” press release, December 16, 2026, <https://www.consumerfinance.gov/about-us/newsroom/cfpb-uncovers-illegal-practices-across-student-loan-refinancing-servicing-and-debt-collection>.

<sup>24</sup> Student Borrower Protection Center, “Private Student Loan Borrower Protections,” <https://protectborrowers.org/psl-protections>.

Additionally, Project 2025 would raise costs for millions of Americans by replacing existing student loan income-driven repayment (IDR) plans with a single, one-size-fits-all plan.<sup>25</sup> IDR plans allow borrowers to make loan payments based on a percentage of their incomes and eventually see their debts cancelled after an extended period of payments (e.g., 20 years).<sup>26</sup> According to one estimate, “[t]ypical borrowers of all education levels would shell out at least \$2,700—and as high as \$4,000—more per year in student loan payments on [Project 2025’s] plan relative to” the Biden administration’s IDR plan.<sup>27</sup>

7. Do you support Project 2025’s proposal to allow unaccredited colleges to receive federal funding?
  - a. If so, why do you believe this would be in the best interests of students?
8. Do you support Project 2025’s proposal to fully privatize the student loan financing system?
  - a. If so, why do you believe this would be in the best interests of students and borrowers?
  - b. Does the Department have the authority under current law to privatize any part of the student loan financing system? If so, would you attempt to do so?
9. Do you support Project 2025’s proposal to replace all existing IDR plans with its one-size-fits-all plan?
  - a. If so, why do you believe this would be in the best interests of students and borrowers?
  - b. Does the Department have the executive authority to effectuate this proposal without additional congressional action? If so, would you attempt to do so?

### **Extreme Policies of Former Secretary DeVos**

Former Education Secretary Betsy DeVos praised your nomination as a “great appointment.”<sup>28</sup> During her tenure, Secretary DeVos implemented numerous policies that harmed students while allowing incompetent student loan servicers and greedy for-profit colleges to rip off students and taxpayers. The American people deserve to know whether you will repeat Secretary DeVos’s extreme policies.

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<sup>25</sup> The Heritage Foundation, “Mandate for Leadership 2025: The Conservative Promise,” April 2023, pp. 337-338, [https://static.project2025.org/2025\\_MandateForLeadership\\_FULLL.pdf](https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf).

<sup>26</sup> Federal Student Aid, “Income-Driven Repayment Plans,” <https://studentaid.gov/manage-loans/repayment/plans/income-driven>.

<sup>27</sup> Center for American Progress, “Project 2025 Would Increase Costs, Block Debt Cancellation for Student Loan Borrowers,” Sara Partridge and Madison Weiss, June 24, 2024 <https://www.americanprogress.org/article/project-2025-would-increase-costs-block-debt-cancellation-for-student-loan-borrowers>.

<sup>28</sup> Fox News, “Betsy DeVos praises Linda McMahon as ‘great appointment’ to lead Trump’s Education Department,” <https://www.foxnews.com/video/6364953486112>.

In a notable giveaway to shady for-profit colleges, Secretary DeVos rescinded the Gainful Employment (GE) rule, which was reinstated by the Biden administration.<sup>29</sup> The GE rule withholds federal funding from colleges whose graduates are saddled with high levels of debt compared to their earnings.<sup>30</sup> But because of Secretary DeVos's actions, taxpayers have continued to foot the bill for low-quality for-profit colleges that overcharged students without advancing their career prospects.

Secretary DeVos also dismantled the team at ED responsible for investigating predatory for-profit colleges.<sup>31</sup> In addition to reassigning most of the team's members, she named a former dean of the for-profit DeVry University as the team's new head,<sup>32</sup> several months after she had shut down ED's ongoing investigation into DeVry's allegedly deceptive job placement claims and recruiting practices.<sup>33</sup>

Besides siding with for-profit colleges over students, Secretary DeVos obstructed federal and state regulators' investigations into the misconduct of federal loan servicers. For years, servicer failures and misconduct have harmed millions of students, pushing borrowers further into debt and exacerbating the student debt crisis.<sup>34</sup> Government regulators and consumer protection advocates have uncovered widespread servicing failures, including pushing unaffordable loans for predatory for-profit colleges onto families, overcharging service members and veterans, denying debt relief for borrowers with disabilities, and misleading borrowers about their eligibility for affordable repayment options.<sup>35</sup> In 2019, a coalition of 20 state attorneys general wrote a letter to Secretary DeVos urging ED to stop blocking their information requests related to loan servicers, explaining that these requests were essential to the states' investigations of the servicers' alleged "illegal, unfair, abusive, or deceptive practices."<sup>36</sup> Yet, Secretary DeVos stonewalled the state regulators, despite her stated position of "returning control of education to

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<sup>29</sup> Center for American Progress, "The Tortured Path of the Gainful Employment Rule," <https://www.americanprogress.org/article/the-tortured-path-of-the-gainful-employment-rule/>.

<sup>30</sup> *Id.*

<sup>31</sup> New York Times, "Education Department Unwinds Unit Investigating Fraud at For-Profits," Danielle Ivory, Erica L. Green, and Steve Eder, May 13, 2018, <https://www.nytimes.com/2018/05/13/business/education-department-for-profit-colleges.html>.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> Consumer Financial Protection Bureau, "CFPB Concerned About Widespread Servicing Failures Reported By Student Loan Borrowers," press release, September 29, 2015, <https://www.consumerfinance.gov/about-us/newsroom/cfpb-concerned-about-widespread-servicing-failures-reported-by-student-loan-borrowers>.

<sup>35</sup> *Id.*; Student Borrower Protection Center, "New Report Exposes More Than Five Million Student Loan Servicing Errors Hindering Public Service Loan Forgiveness," October 13, 2020, [https://protectborrowers.org/acs\\_investigation](https://protectborrowers.org/acs_investigation); Student Borrower Protection Center, "Delivering Distress: How Student Loan Companies Cheat Borrowers Out of Their Rights," October 2023, <https://protectborrowers.org/wp-content/uploads/2023/10/Delivering-Distress-Report.pdf>; Consumer Financial Protection Bureau, "CFPB Uncovers Illegal Practices Across Student Loan Refinancing, Servicing, and Debt Collection," December 16, 2024, <https://www.consumerfinance.gov/about-us/newsroom/cfpb-uncovers-illegal-practices-across-student-loan-refinancing-servicing-and-debt-collection/>.

<sup>36</sup> Letter from 22 State Attorneys General to Secretary Betsy DeVos, April 24, 2019, <https://www.marylandattorneygeneral.gov/News%20Documents/Final%20AGs%20Letter%20to%20DOE%204.4.19.pdf>.

states”—and blocked states from enforcing their own consumer protection laws.<sup>37</sup> Adding insult to injury, Secretary DeVos issued additional guidance instructing loan servicers not to provide student loan data to Consumer Financial Protection Bureau (CFPB) regulators conducting supervisory examinations of the servicers.<sup>38</sup>

Borrowers were also directly harmed by Secretary DeVos’s refusal to enforce existing regulations governing student loan repayment. For instance, the Borrower Defense to Repayment regulation authorizes ED to grant debt relief to borrowers who were misled or deceived by their schools, such as borrowers whose schools gave them fake statistics on their programs’ employment outcomes.<sup>39</sup> Secretary DeVos refused to implement that regulation, harming countless borrowers and leading a federal judge to declare her actions as “unlawful” and “arbitrary and capricious.”<sup>40</sup>

10. Will you commit to preserving the Gainful Employment rule and enforcing the rule as written?

11. After Secretary DeVos left office, ED renewed its investigatory work into allegedly predatory for-profit colleges.<sup>41</sup>

a. Will you commit to continuing any ongoing ED investigations into for-profit colleges?

b. Will you continue to open new investigations into for-profit colleges if future allegations of fraudulent behavior are credibly brought forth?

12. Will you commit to allowing state regulatory agencies and CFPB to investigate credible allegations involving student loan servicers without ED interference—including by turning over any student aid data requested by the states or CFPB?

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<sup>37</sup> U.S. Department of Education, “Betsy DeVos, Secretary of Education -- Biography,” <https://www.ed.gov/about/ed-organization/leadership-directory/biographies-of-former-senior-officials/betsy-devos-secretary-of-education--biography>; U.S. Department of Education, Federal Register Notice, “Federal Preemption and State Regulation of the Department of Education’s Federal Student Loan Programs and Federal Student Loan Servicers,” March 12, 2018, <https://www.federalregister.gov/documents/2018/03/12/2018-04924/federal-preemption-and-state-regulation-of-the-department-of-educations-federal-student-loan>.

<sup>38</sup> NPR, “CFPB Chief Says Education Department Is Blocking Student Loan Oversight,” Chris Arnold, May 16, 2019, <https://www.npr.org/2019/05/16/723568597/cfpb-chief-says-education-department-is-blocking-student-loan-oversight>.

<sup>39</sup> Federal Student Aid, “Borrower Defense Loan Discharge,” <https://studentaid.gov/manage-loans/forgiveness-cancellation/borrower-defense>.

<sup>40</sup> NPR, “Student Borrowers and Advocates Win Court Case Against DeVos,” Elissa Nadworny and Anya Kamenetz, September 13, 2018, <https://www.npr.org/2018/09/13/647367937/student-borrowers-and-advocates-win-court-case-against-devos>.

<sup>41</sup> Higher Ed Dive, “The Ed Dept revived a financial aid investigative unit. Is it open season on for-profit colleges?” Natalie Schwartz, October 21, 2021, <https://www.highereddive.com/news/the-ed-dept-revived-a-financial-aid-investigative-unit-is-it-open-season-o/608648>.



## ED's Record of Lowering Costs

Over the past several years, ED has implemented several common-sense policies that have helped lower education costs for millions of hard-working students and borrowers.

Before 2021, the PSLF program was broken. At that time, 98 percent of applicants were denied, including 94 percent of service members who applied.<sup>42</sup> The high rate of denials was caused by administrative error, loan servicers' failure to track borrowers' qualifying payments, and a byzantine application process that few borrowers could navigate, among other problems.<sup>43</sup> In 2021, ED reformed the PSLF program so that applicants could finally receive the debt relief to which they were legally entitled, resulting in over one million public service workers receiving PSLF relief.<sup>44</sup>

ED has also taken much-needed action to remedy the harms of student loan servicer misconduct that made the benefits of IDR programs inaccessible. Prior to 2021, only 32 people across the country had ever received IDR relief, despite millions of borrowers being in repayment for twenty years or more.<sup>45</sup> In response, the Biden administration implemented a one-time payment count adjustment to ensure borrowers received credit for the time they had been in repayment.<sup>46</sup> Because of this Biden administration initiative, nearly 1.5 million borrowers have been approved for life-changing cancellation through IDR.<sup>47</sup>

In addition, ED has expanded its use of discharge for some of our most vulnerable borrowers. For example, the Department has canceled debt through borrower defense discharge and closed school discharge. Over 1.8 million borrowers have been approved for this relief.<sup>48</sup> Likewise, ED has lowered administrative barriers to qualify for Total and Permanent Disability (TPD) discharge and made the discharge automatic for people whose disabilities are already known to

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<sup>42</sup> Student Borrower Protection Center, "Public Service Workers Who Did Everything Right are Being Blocked from Promised Loan Relief Because of Tricks and Traps," Amy Czulada and Ben Kaufman, September 23, 2021, <https://protectborrowers.org/public-service-workers-who-did-everything-right-are-being-blocked-from-promised-loan-relief-because-of-tricks-and-traps/>; Government Accountability Office, Public Service Loan Forgiveness: DOD and Its Personnel Could Benefit from Additional Program Information," April 22, 2021, <https://www.gao.gov/products/gao-21-65>.

<sup>43</sup> Government Accountability Office, "Public Service Loan Forgiveness: Education Needs to Provide Better Information for the Loan Servicer and Borrowers," September 5, 2018, <https://www.gao.gov/products/gao-18-547>.

<sup>44</sup> U.S. Department of Education, "Biden-Harris Administration Announces Final Student Loan Forgiveness and Borrower Assistance Actions," press release, January 16, 2025, [https://protectborrowers.org/wp-content/uploads/2025/01/IDR-AA-ED-Release-Email\\_01-16-2025.pdf](https://protectborrowers.org/wp-content/uploads/2025/01/IDR-AA-ED-Release-Email_01-16-2025.pdf).

<sup>45</sup> National Consumer Law Center, "Education Department's Decades-Old Debt Trap: How the Mismanagement of Income-Driven Repayment Locked Millions in Debt," March 2021, [https://www.nclc.org/wp-content/uploads/2022/08/IB\\_IDR.pdf](https://www.nclc.org/wp-content/uploads/2022/08/IB_IDR.pdf).

<sup>46</sup> Federal Student Aid, "Payment Count Adjustments Toward Income-Driven Repayment and Public Service Loan Forgiveness Programs," <https://studentaid.gov/announcements-events/idr-account-adjustment>.

<sup>47</sup> U.S. Department of Education, "Biden-Harris Administration Announces Final Student Loan Forgiveness and Borrower Assistance Actions," press release, January 16, 2025, [https://protectborrowers.org/wp-content/uploads/2025/01/IDR-AA-ED-Release-Email\\_01-16-2025.pdf](https://protectborrowers.org/wp-content/uploads/2025/01/IDR-AA-ED-Release-Email_01-16-2025.pdf).

<sup>48</sup> U.S. Department of Education, "Biden-Harris Administration Announces Final Student Loan Forgiveness and Borrower Assistance Actions," press release, January 16, 2025, [https://protectborrowers.org/wp-content/uploads/2025/01/IDR-AA-ED-Release-Email\\_01-16-2025.pdf](https://protectborrowers.org/wp-content/uploads/2025/01/IDR-AA-ED-Release-Email_01-16-2025.pdf).

the government.<sup>49</sup> As a result, ED has now provided debt relief to over 1.2 million people who cannot pay off their student loans due to a permanent disability.<sup>50</sup>

Finally, ED has transformed how it holds federal student loan servicers accountable after years of abuses. In November 2023, the Department announced a comprehensive student loan servicer accountability framework.<sup>51</sup> Under the framework, the agency oversees servicers through direct customer service monitoring, partnerships with regulators that enforce consumer protection laws, and routine review of customer complaints. In addition, ED holds servicers accountable by withholding payments or reallocating borrowers if a servicer does not meet its contractual obligations and assigning new contracts based on servicers' past performance.<sup>52</sup> Borrowers affected by servicer errors are also temporarily placed into a zero-interest administrative forbearance that counts towards PSLF until the errors are fixed.<sup>53</sup> Rigorous enforcement of each of the framework's components has been essential to protecting borrowers from servicer malfeasance.

13. Will you implement any changes to the process of applying for and receiving PSLF? If so, what changes will you make, and how will they benefit borrowers?
14. Will you commit to continuing to process PSLF applications and granting the debt relief that successful applicants are legally entitled to receive?
15. Will you commit to publishing data on the PSLF relief granted and number of PSLF applications received by the Department?
16. Will you honor ED's October 2021 commitment to implement automatic PSLF tracking for veterans, service members, and other current or former federal employees by linking Federal Student Aid data with other agencies' employment data?<sup>54</sup>
17. Will you implement any changes to the process of applying for and receiving IDR relief? If so, what changes will you make, and how will they benefit borrowers?

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<sup>49</sup> Congressional Research Service, "Biden Administration Executive Actions Resulting in Modifications for the Federal Student Loan Programs," August 12, 2024, <https://crsreports.congress.gov/product/pdf/R/R48152>.

<sup>50</sup> U.S. Department of Education, "Biden-Harris Administration Announces Final Student Loan Forgiveness and Borrower Assistance Actions," press release, January 16, 2025, [https://protectborrowers.org/wp-content/uploads/2025/01/IDR-AA-ED-Release-Email\\_01-16-2025.pdf](https://protectborrowers.org/wp-content/uploads/2025/01/IDR-AA-ED-Release-Email_01-16-2025.pdf).

<sup>51</sup> National Association of Student Financial Aid Administrators, "ED Announces New Framework to Hold Loan Servicers Accountable," Maria Carrasco, November 15, 2023, <https://www.nasfaa.org/news-item/32120/ED-Announces-New-Framework-to-Hold-Loan-Servicers-Accountable>.

<sup>52</sup> The Washington Post, "Biden administration begins punishing servicers for student loan errors," Danielle Douglas-Gabriel, October 30, 2023, <https://www.washingtonpost.com/education/2023/10/30/student-loan-servicing-errors-mohela/>.

<sup>53</sup> National Association of Student Financial Aid Administrators, "ED Announces New Framework to Hold Loan Servicers Accountable," Maria Carrasco, November 15, 2023, <https://www.nasfaa.org/news-item/32120/ED-Announces-New-Framework-to-Hold-Loan-Servicers-Accountable>.

<sup>54</sup> U.S. Department of Education, "Fact Sheet: Public Service Loan Forgiveness (PSLF) Overhaul," October 6, 2021, <https://www.ed.gov/sites/ed/files/policy/highered/reg/hearulemaking/2021/pslffactsheet.pdf>.

18. Will you commit to continuing to process IDR discharge applications and granting the debt relief that successful applicants are legally entitled to receive?
19. Will you commit to publishing data on the IDR relief granted and the number of IDR applications received by the Department?
20. Will you continue to defend the borrower defense discharge regulations now enjoined by the 5th Circuit?
21. Will you commit to continuing to process borrower defense applications and granting the debt relief that successful applicants are legally entitled to receive?
22. Will you commit to publishing data on the number of borrowers who have submitted borrower defense applications and received discharge under this program?
23. Will you continue to defend the closed school discharge regulations now enjoined by the 5th Circuit?
24. Will you commit to continuing to process closed school discharge applications and granting the debt relief that successful applicants are legally entitled to receive?
25. Will you commit to publishing data on the number of borrowers that have been granted closed school discharge automatically as well as the number of closed school discharge applications submitted by borrowers and the number of borrowers approved?
26. Will you seek any changes to the current criteria for TPD discharge? If so, what changes will you make, and how will they benefit borrowers?
27. Will you commit to continuing to process TPD applications and granting the debt relief that successful applicants are legally entitled to receive?
28. Will you seek any changes to the student loan servicer accountability framework that ED announced in November 2023? If so, what changes will you make, and how will they protect borrowers?
29. Will you commit to publishing data on the performance of the private companies that ED hires to service federal student loans? If not, why not?
30. Will you ensure that ED continues to engage in robust oversight of the private companies it hires to service federal student loans? Will you commit to continue withholding payments to these servicers in response to credible evidence of servicing errors and misconduct?

## Conclusion

We need a higher education system that is accessible to all Americans, not just those with the means to afford skyrocketing costs without taking on student debt. The next Secretary of Education must fight for the best interests of students and families, not greedy and predatory for-profit colleges and inept loan servicers, and must reject extreme policies and efforts to eliminate the Department. We ask that you come to your hearing prepared to provide answers to our questions so that the Senate—and the American people—can better understand your policy positions and how you would lead ED.

Sincerely,



Elizabeth Warren  
United States Senator



Andy Kim  
United States Senator