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November 15, 2019

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

Dear Secretary DeVos:

I write in response to the Department's letters to the Committee from November 7, 11, and 14. Throughout the approximately 10 months that I have been Chairman of the Committee, I have sought information from the Department on Borrower Defense, but regrettably the Department has avoided oversight at nearly every opportunity. Last night, however, I was informed that today the Committee "will receive updated Borrower Defense information requested by the Committee in March and June of this year."<sup>1</sup> Now that the Department has agreed to produce these documents, the Committee can begin its oversight of this program and gain an informed understanding of the Department's failure to timely adjudicate the claims of 210,000 borrowers.

The Committee hopes that the forthcoming document production is fully responsive to the requests made over the last ten months. The Committee reserves its right to compel additional documents if, upon review, we determine the production is not completely responsive.<sup>2</sup>

The Department has asserted that General Brown is willing to brief the Committee on Borrower Defense. I would like to *again* accept this offer. Please contact Committee staff to arrange a mutually agreeable time for General Brown to brief the Committee on Borrower Defense implementation within the next two weeks.

<sup>1</sup> Acting General Counsel Reed D. Rubinstein, responding on behalf of Secretary Betsy DeVos, Letter to Chairman Robert C. "Bobby" Scott, re: Document requests at 2 (Nov. 14, 2019) (Rubinstein production agreement).

<sup>2</sup> See Chairman Robert C. "Bobby" Scott, Letter to Secretary Betsy DeVos, re: Borrower Defense (March 25, 2019); Chairman Robert C. "Bobby" Scott, Letter to Secretary Betsy DeVos, re: Borrower Defense – Financial Responsibility (June 24, 2019).

The Honorable Betsy DeVos

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In your November 12 correspondence, you made clear that you are available to testify before the Committee on Thursday, December 12, to discuss the implementation of the Borrower Defense rule. Given that assertion, I ask you to continue to reserve your availability to testify before the Committee on December 12. As we have yet to receive or review the documents the Department has agreed to produce, or heard from General Brown, the Committee continues to believe that you are the most appropriate person to provide insight on the policy decisions made at the Department related to Borrower Defense. Please reserve time to allow for your presence for the entirety of the hearing pursuant to House and Committee rules.

Thank you in advance for your time and interest in this matter. Please direct all correspondence the Committee Clerk, Tylease Alli, at [Tylease.Alli@mail.house.gov](mailto:Tylease.Alli@mail.house.gov). I look forward to reviewing the documents.

Sincerely,



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**ROBERT C. "BOBBY" SCOTT**  
Chairman

cc: The Honorable Virginia Foxx, Ranking Member