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March 25, 2019

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

Dear Secretary DeVos:

We write to express our dissatisfaction with the U.S. Department of Education's ("the Department") failure to sufficiently explain its implementation of the 2016 Borrower Defense to Repayment ("borrower defense") rule. While we appreciate the Department's initial response to our inquiries, many answers were lacking in substance and we have yet to receive any responses from our latest inquiries, submitted over two months ago. This letter serves to reiterate our request to promptly provide substantively complete responses to our outstanding inquiries. Enclosed you will find our highest priority questions regarding the processing of claims and implementation of federal regulations, many of which were sent by our staff on January 8, 2019.

On November 20, 2018, the Department briefed both Democratic and Republican staff from the House Committee on Education and Labor and Senate Committee on Health Education Labor and Pensions on the status of its implementation of the Borrower Defense regulations. While this high-level briefing was instructive, it prompted numerous questions from our staff. Between November 29, 2018 and January 24, 2019 our staff negotiated responses to these questions with Department officials. During this period the Department provided adequate responses to a narrow sub-set of these questions but failed to respond to a substantial number of inquiries which directly relate to the legal rights of student borrowers.

Congressional oversight of the Executive Branch's responsibility to take care that the laws be faithfully executed is a partnership between the two branches. This constitutional partnership involves ongoing discussions and negotiations, but ultimately requires the Executive to comply with congressional requests for information.

The Honorable Betsy DeVos

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Given Congress' "ample authority to obtain information needed in the rightful exercise of [its legislative] power, and to employ compulsory process for the purpose," we expect the Department to participate in good faith in this process as a co-equal partner.¹ Accordingly, we request responses to the questions enclosed by no later than April 7, 2019.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Chairman
Committee on Education and Labor
U.S. House of Representatives



PATTY MURRAY
Ranking Member
Committee on Health, Education, Labor
and Pensions
U.S. Senate

¹ *McGrain v. Daugherty*, 273 U.S. 135, 165 (1927).