

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

August 25, 2025

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

Re: Docket ID ED-2025-OPE-0151

Dear Secretary McMahon,

We write in response to the Department of Education's (Department) recent notice of intent to establish two negotiated rulemaking committees to implement the changes made to the *Higher Education Act of 1965* in Public Law 119-21.<sup>1</sup> Since this Administration has expressed its intention to close the Department<sup>2</sup> and since we believe that Public Law 119-21 is the most destructive piece of law impacting higher education access and affordability in recent history, it is imperative that the Department and negotiators use the rulemaking process to prioritize protecting students from low-quality programs, unscrupulous actors, and unaffordable student debt.

**RISE Committee**

The Department has indicated that it has chosen separate committees to draft specific rules. The Reimagining and Improving Student Education (RISE) Committee will be tasked with addressing issues related to changes to the federal student loan program, including the creation of new repayment plans and loan limit reductions.<sup>3</sup>

***Support for Struggling Borrowers***

Public Law 119-21 replaces all existing income-driven repayment (IDR) programs with a single new Repayment Assistance Plan (RAP), effectively eliminating the more generous repayment options established to provide low-income borrowers with affordable repayment options. Compared to current IDR plans, RAP payments are based on a larger share of a borrower's income resulting in higher payments for the majority of borrowers. Further, the RAP does not provide an option for debt relief before 30 years of repayment, even to borrowers with low

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<sup>1</sup> Public Hearing; Negotiated Rulemaking Committees, 90 FR 35261 (Jul. 25, 2025), <https://www.federalregister.gov/documents/2025/07/25/2025-13998/public-hearing-negotiated-rulemaking-committees>, (*hereinafter* "Negotiated Rulemaking Notice").

<sup>2</sup> Exec. Order No. 14241, 90 Fed. Reg. 13679 (Mar. 20, 2025), <https://www.federalregister.gov/documents/2025/03/25/2025-05213/improving-education-outcomes-by-empowering-parents-states-and-communities>; Kiara Alfonseca, *Education Secretary Linda McMahon announces plans for department's 'final' mission*, ABC News (Mar. 4, 2025), <https://abcnews.go.com/Politics/education-secretary-linda-mcmahon-announces-plans-departments-final/story?id=119429248>.

<sup>3</sup> Negotiated Rulemaking Notice at 35263.

balances.<sup>4</sup> The changes to repayment will have significant negative impacts on low-income borrowers' ability to afford a college education.<sup>5</sup> While these concerning changes will not take effect for current borrowers until 2028, it is worth noting that borrowers continue to face challenges with the implementation of current IDR programs. For example, borrowers eligible for forgiveness under Income-Based Repayment (IBR) plans have been blocked from receiving forgiveness since the Department stopped processing IBR forgiveness in July in order to "comply with the ongoing court injunctions".<sup>6</sup> And worse, there has been no clear communication from the Department to borrowers as to what their options are. This abrupt pause not only weakens the credibility of the Department; it also unjustly keeps borrowers in repayment.

Public Law 119-21 further weakened loan repayment options for struggling borrowers by eliminating economic hardship and unemployment deferments and calculating loan payments based on gross income rather than discretionary income.<sup>7</sup> An alarming number of borrowers are currently facing default or delinquency on their student loans,<sup>8</sup> and the lack of options for borrowers in difficult financial situations will make it harder for these borrowers to get back on their feet. In this rulemaking process, we strongly urge the Department and negotiators to provide as many options as possible to prevent borrower delinquencies and defaults and ensure borrowers have access to any protection, forgiveness, or discharge option afforded to them under the law.

### ***Recourse for Defrauded Borrowers***

Public Law 119-21 delayed implementation of the 2022 Closed School Discharge (CSD) and Borrower Defense (BD) rules, effectively reverting to weaker rules established under the previous Trump Administration. These rules are meant to provide student loan relief to borrowers if defrauded by their college or their college closes precipitously; however, the versions of these rules established under the first Trump Administration made it nearly impossible for borrowers to have their loans successfully discharged.<sup>9</sup> Given this harmful

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<sup>4</sup> Michele Zampini, *How the Reconciliation Law Changes the Federal Student Loan Repayment System*, The Institute for College Access and Success, <https://ticas.org/affordability-2/reconciliation-2025-student-loans/>, (Jul. 24, 2025).

<sup>5</sup> Michele Zampini et al., *How House Republicans' Student Loan Repayment Plan Would Disproportionately Harm Low-Income Borrowers*, The Institute for College Access and Success (May 27, 2025), <https://ticas.org/affordability-2/rap-income-protection-reconciliation-2025/>

<sup>6</sup> Lexi Cochran, *Education Department pauses student loan forgiveness under IBR plan*, The Hill (Jul. 22, 2025), <https://thehill.com/homenews/education/5414542-education-department-student-loans-ibr/>.

<sup>7</sup> Michele Zampini, *How the Reconciliation Law Changes the Federal Student Loan Repayment System*, The Institute for College Access and Success (Jul. 24, 2025), <https://ticas.org/affordability-2/reconciliation-2025-student-loans/>.

<sup>8</sup> Tiara Moultrie, *Hitting the Brakes on a Student Loan Default Cliff*, The Century Foundation (May 2, 2025), <https://tcf.org/content/commentary/hitting-the-brakes-on-a-student-loan-default-cliff/>.

<sup>9</sup> Lydia Franz, *How the Reconciliation Law Will Change Higher Education Accountability and Impact Students & Borrowers*, Institute for College Access & Success (Jul. 24, 2025), <https://ticas.org/accountability/reconciliation-2025-accountability/>; see also H. Comm. on Educ. & Lab., Staff Report, *Delayed and Denied: Borrower Defense Relief Under the Trump Administration*, June, 2020, <https://democrats-edworkforce.house.gov/imo/media/doc/Delayed%20and%20Denied%20Borrower%20Defense%20Relief%20Under%20the%20Trump%20Administration.pdf> (summarizing the history of borrower defense in the

reversal, we urge the Department to develop detailed regulations regarding the rights and recoupment options for borrowers defrauded by their college. The Department should also provide clarity on how the backlog of BD applications will be treated in the absence of a strong BD rule. Without addressing waste, fraud, and abuse by unscrupulous actors, the Department risks further harming students and wasting taxpayer dollars.

### **AHEAD Committee**

The Accountability in Higher Education and Access through Demand-driven Workforce Pell (AHEAD) Committee will address the rest of the changes made in Public Law 119-21, including the implementation of Workforce Pell Grants and the creation of a sector-neutral program-level accountability framework. This committee has a significant responsibility to develop regulations that protect vulnerable student populations from poor outcomes and harmful actors in higher education.

### ***Workforce Pell Expansion***

Public Law 119-21 expanded Pell Grant access to students enrolled in short-term programs that lead to non-degree postsecondary credentials. Unfortunately, the law does not establish a robust program approval framework or provide key consumer protections to ensure students receive a high-quality credential. It is also worth noting that the Department has also taken steps to delegitimize the federal accreditation process<sup>10</sup> and erode consumer protection laws,<sup>11</sup> leaving us with concerns about student protections at these programs. Therefore, we strongly urge the Department and negotiators to develop as robust a framework for the Workforce Pell approval process as possible, that protects students, improves data collection requirements, and clearly outlines the oversight responsibilities of the federal government, states, and accreditors.

While we think it could be appropriate for the Department to coordinate with the Department of Labor (DOL) on program and credential quality, we have concerns about the Trump Administration properly coordinating with other agencies given the ongoing attempt to dismantle the Department, including by illegally moving education programs to DOL.<sup>12</sup> Therefore, consistent with Public Law 119-21, we expect the Department to clearly delineate that all implementation and oversight responsibilities of the Workforce Pell Grant program will be done at the Department.

### ***Accountability Framework***

Public Law 119-21 establishes a program-level accountability framework that requires programs to show their graduates earn more than they would have without attending their program.

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First Trump Administration).

<sup>10</sup> Ben Unglesbee, *'The gatekeepers': Trump's action on accreditation sparks concerns over government intrusion*, Higher Ed Dive (Apr. 24, 2025), <https://www.highereddive.com/news/trump-executive-order-accreditation-dei-intellectual-diversity/746331/>.

<sup>11</sup> See David Halperin, *Trump Team Weakens Bipartisan Law that Protects Students and Veterans from Predatory Colleges*, Republic Report (Jul. 7, 2025), <https://www.republicreport.org/2025/trump-team-weakens-bipartisan-law-that-protects-students-and-veterans-from-predatory-colleges/>.

<sup>12</sup> Press Release, U.S. Dep't of Educ., U.S. Department of Education and U.S. Department of Labor Implement Workforce Development Partnership (Jul. 15, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-and-us-department-of-labor-implement-workforce-development-partnership>.

Programs with low earnings for two out of three consecutive years will lose access to federal student loans. Given the grave consequences for failing this metric, it is essential for the Department to provide clear and thorough information on institutional reporting requirements.

While it is important to ensure colleges leave students better off, there are several pitfalls of the law that we expect the committee to discuss. First, Public Law 119-21 fails to take into consideration discriminatory labor market outcomes, students seeking public service careers, and programs with unique cultural missions. We urge the Department and negotiators to take these circumstances into consideration when developing the regulations to flesh out what is required of institutions. We also urge negotiators to consider incorporating a debt-to-earnings metric to ensure students in low-wage careers are not left with unmanageable debt. Second, the framework only applies to degree programs, despite certificate programs typically having worse student outcomes and less accountability for those outcomes. The Department and negotiators should ensure certificate programs are similarly held accountable for leaving students worse off and offer clarity on how this new framework affects the 2023 gainful employment and financial value transparency (GE/FVT) rules.<sup>13</sup>

### **FSA Capacity Concerns**

We have substantial concerns regarding the Department's—and more specifically the Office of Federal Student Aid's (FSA) — capacity to implement any student aid changes and communicate these changes effectively to students and borrowers. The Trump Administration has made clear its intent to eliminate the Department, as seen through actions including the mass reduction in force (RIF) of federal employees<sup>14</sup> and indiscriminate grant funding freezes.<sup>15</sup> Given the RIF, the frequent rumors regarding the outsourcing of FSA services to other federal agencies,<sup>16</sup> the lack of a fully-staffed ombudsman office, and suggestions staff may be replaced with artificial intelligence,<sup>17</sup> we are concerned about FSA's ability to successfully implement these changes without causing further harm to students and borrowers.

While we do not support many of the changes made by Public Law 119-21, we know that a botched implementation process will only exacerbate student and borrower harm. Beyond regulatory language, the Department should provide detailed information regarding how it plans to inform students, borrowers, and institutions of all changes to the federal student aid program and of borrowers' rights to recoup funds when failed by their college. We also expect the

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<sup>13</sup> 34 C.F.R. §668.601 (2023); 34 C.F.R. §668.401 (2023).

<sup>14</sup> Press Release, U.S. Dep't of Educ., U.S. Department of Education Initiates Reduction in Force (Mar. 11, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-initiates-reduction-force>.

<sup>15</sup> Colin Binkey et al., *Trump administration withholds over \$6 billion for after-school, summer programs and more*, AP News (July 2, 2025), <https://apnews.com/article/trump-education-summer-school-english-language-grants-fac670e8f60fab397fbd68dfed866ea1>.

<sup>16</sup> Katherine Knott, *Trump's Plan to Move Student Loans to SBA Raises Concerns*, Inside Higher Ed (Mar. 21, 2025), <https://www.insidehighered.com/news/government/student-aid-policy/2025/03/21/small-business-administration-take-over-student-loans>.

<sup>17</sup> Edward Conroy, *FAFSA and Student Loan Help Is No Place for AI*, New America (Feb. 20, 2025), <https://www.newamerica.org/education-policy/edcentral/fafsa-and-student-loan-help-is-no-place-for-ai/>.

Department to provide robust details in its proposed rules on how funding, staffing, technology, and other resources will be leveraged, even as you work to “put yourself out of a job.”<sup>18</sup>

### Conclusion

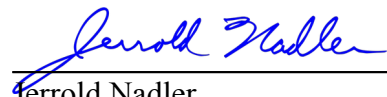
Public Law 119-21 will undoubtedly limit many low-income students’ options for an affordable, high-quality higher education experience. As the RISE and AHEAD Committees develop regulations for these policies, we urge both the Department and negotiators to put students and borrowers first; consider how each decision will impact a student’s ability to afford their education. Thank you for your attention to our concerns, and we look forward to providing further comments following negotiated rulemaking.

Sincerely,



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Robert C. "Bobby" Scott  
Member of Congress  
Ranking Member, Committee  
on Education and Workforce



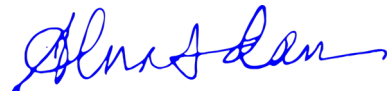
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Terrold Nadler  
Member of Congress



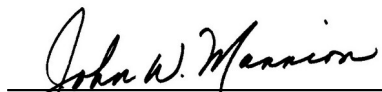
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Danny K. Davis  
Member of Congress



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



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John W. Mannion  
Member of Congress

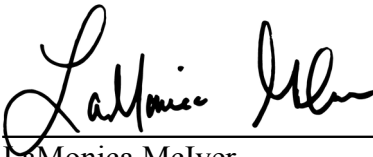


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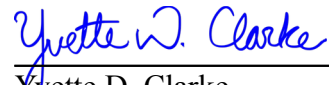
Frederica S. Wilson  
Member of Congress

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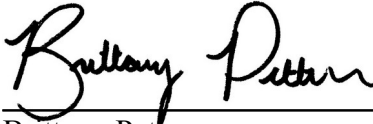
<sup>18</sup> Ashleigh Fields, *McMahon: Trump 'dead serious' that he 'wants me to fire myself'*, The Hill (Mar. 28, 2025), <https://thehill.com/homenews/administration/5219563-mcmahon-trump-dead-serious-fire-myself/>



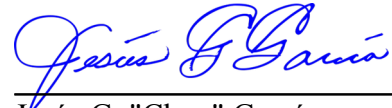
LaMonica McIver  
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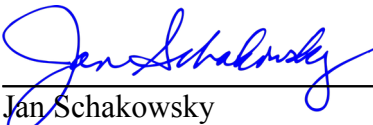
Yvette D. Clarke  
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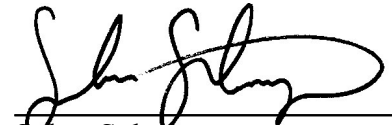
Brittany Pettersen  
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Jesús G. "Chuy" García  
Member of Congress



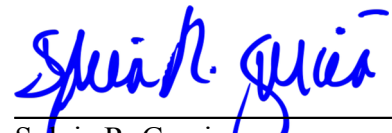
Jan Schakowsky  
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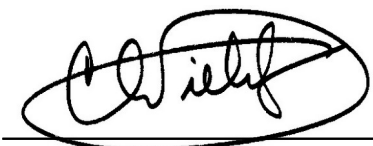
Suhas Subramanyam  
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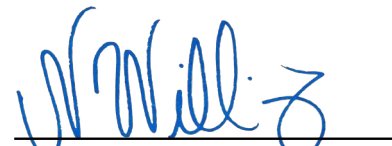
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Sylvia R. Garcia  
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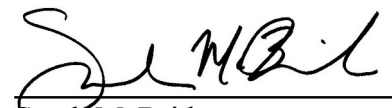
Cleo Fields  
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Nikema Williams  
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Ilhan Omar  
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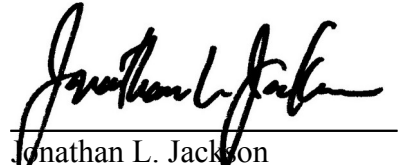


Sarah McBride  
Member of Congress





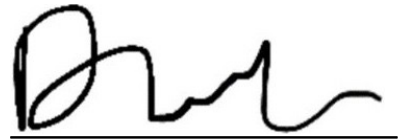
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Jonathan L. Jackson  
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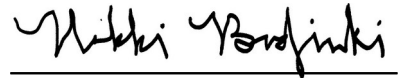
Henry C. "Hank" Johnson, Jr.  
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Dan Goldman  
Member of Congress



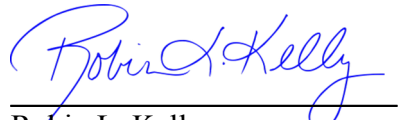
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Member of Congress



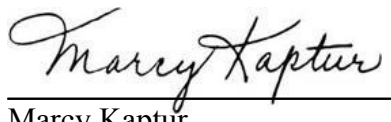
Nikki Budzinski  
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John Garamendi  
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Robin L. Kelly  
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Marcy Kaptur  
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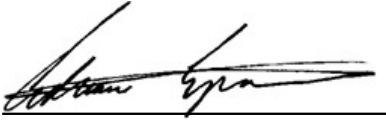
Gabe Amo  
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Teresa Leger Fernández  
Member of Congress



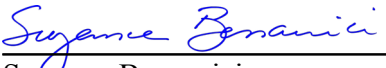
Delia C. Ramirez  
Member of Congress



Adriano Espaillat  
Member of Congress



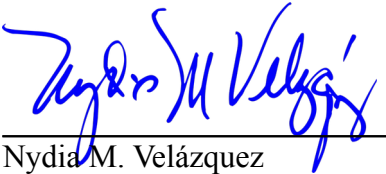
Yassamin Ansari  
Member of Congress



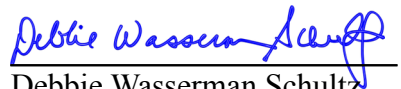
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Steve Cohen  
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Nydia M. Velázquez  
Member of Congress



Debbie Wasserman Schultz  
Member of Congress



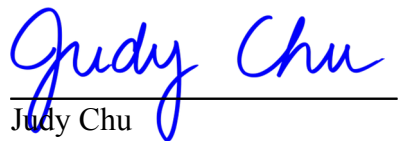
Summer L. Lee  
Member of Congress



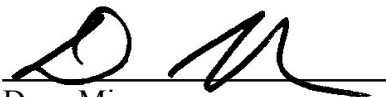
Mark Takano  
Member of Congress



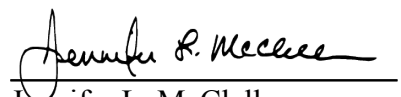
Mark DeSaulnier  
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Jennifer L. McClellan  
Member of Congress





Shri Thanedar  
Member of Congress



Lucy McBath  
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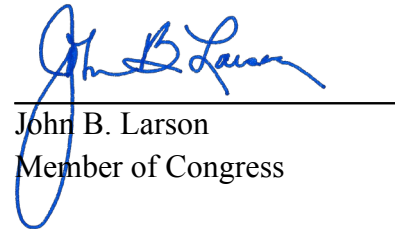
Madeleine Dean  
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Bonnie Watson Coleman  
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J. Luis Correa  
Member of Congress



John B. Larson  
Member of Congress



Marilyn Strickland  
Member of Congress



Robert J. Menendez  
Member of Congress



Greg Casar  
Member of Congress



Diana DeGette  
Member of Congress



Donald Norcross  
Member of Congress