

United States Senate

WASHINGTON, DC 20510

December 7, 2018

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

Dear Secretary DeVos:

We are writing in support of two recently published proposed regulations affecting the Federal Student Aid programs – the Institutional Accountability (including borrower defenses to repayment) regulations published on July 31, 2018, and the Program Integrity: Gainful Employment regulations published on August 14, 2018. We urge you to issue final regulations quickly and use the available legal authority under section 482(c) of the Higher Education Act to allow institutions to implement the improvements in these regulations as quickly as possible.

These two new proposals are a significant improvement over the seriously-flawed regulations issued by the previous administration. Over the past several years, the Senate has received several independent reports, public comments and heard testimony at numerous hearings identifying the shortcomings of the regulations that the Department is now seeking to change.

Therefore, following the implementation of the Department's regulations, Congress should work to establish a viable accountability framework that holds bad actors accountable, regardless of tax status or sector. Responsible stewardship and transparency are vital, and there is still work to be done when Congress revisits the Higher Education Act to protect students and the taxpayer's investment in higher education.

The previous administration's regulatory regime, however, was unduly inflexible, unevenly applied, and ill-suited to address these aims. Moving forward, any viable approach must account for unintended consequences and the system of checks and balances that our Founders established to prevent overreach and abuse by any one branch.

The Institutional Accountability proposed regulations would establish a clearer path for borrowers seeking loan discharges based on institutional misrepresentation and expedite the consideration of their claims. They would also encourage institutions to provide remedies directly to borrowers, which would also expedite borrower relief. Contrary to the claims of some of our colleagues, the proposed regulations would not make it substantially harder for borrowers with legitimate claims of misrepresentation to obtain relief and would add much-needed clarity to the process.

The Program Integrity: Gainful Employment proposed regulations will establish a framework for improved consumer-driven institutional accountability. Unlike the current regulations, this new framework would provide prospective students with common program-level data for all programs they are considering enrolling in which are eligible for Federal student financial assistance.

In closing, we support your efforts to improve the Department's regulations. However, we believe any delays in issuing and implementing these regulations will deny much needed regulatory relief, create confusion, and require continued compliance with requirements that are being eliminated.

Sincerely,



TIM SCOTT
United States Senator



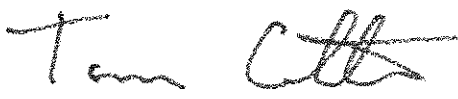
PAT ROBERTS
United States Senator



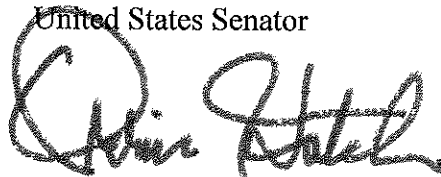
MIKE CRAPO
United States Senator



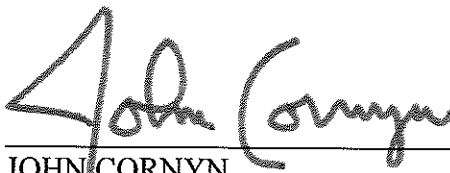
THOM TILLIS
United States Senator



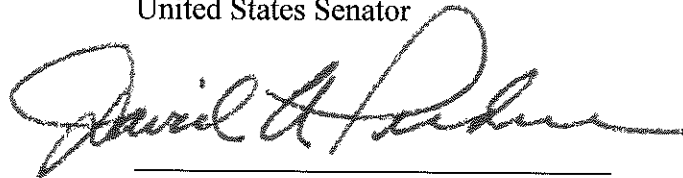
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