

United States Senate

WASHINGTON, DC 20510

September 17, 2025

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

Re: RIN 1801-AA28

Dear Secretary McMahon:

We write to provide our comments of strong disapproval to the Department of Education's (Department) Notice of Proposed Rulemaking (NPRM) published on August 18, 2025, that would make unlawful changes to the Public Service Loan Forgiveness (PSLF) program. As Senators, we are troubled by the Trump Administration's efforts to politicize the PSLF program, which has had a long history of bipartisan support.

Since March 7, 2025, our dedicated public service workers have faced immense uncertainty and anxiety due to President Trump's Executive Order #14235¹, which directed the Secretary of Education and the Secretary of Treasury to redefine "public service" to align with the administration's political agenda. Effectively, the Secretary of Education would be permitted to disqualify certain public service employers from PSLF, thereby disqualifying their employees from receiving PSLF benefits. The executive order and subsequent proposed rule not only contradict the core tenets of public service but also directly conflict with the original intent and purpose of the PSLF program, as authorized by Congress.

The proposed rule would undermine a bipartisan program's objective eligibility requirements.

Congress enacted PSLF with strong bipartisan support as part of the *College Cost Reduction and Access Act of 2007*, signed by President George W. Bush. The law directs the Department to forgive the balance of federal student loans held by individuals who work in qualifying public service jobs for ten years. The program aims to support public servants, such as federal, state and local government employees, teachers and other educators, nurses, first responders, active-duty service members, veterans, and other non-profit workers, by offering them loan forgiveness after they make 120 qualifying monthly payments through an eligible repayment plan while maintaining this qualifying employment. Congress established PSLF to encourage professionals to dedicate their careers to public service of all kinds and to ease the financial burden on dedicated public service workers while they contribute to the well-being of all our communities. PSLF was not created in service of any one political agenda or to favor one type of public service profession over another.

¹ <https://www.whitehouse.gov/presidential-actions/2025/03/restoring-public-service-loan-forgiveness/>

The proposed rule turns Congress's intent underlying the PSLF program fully on its head. The rule would empower the Secretary of Education to disqualify certain PSLF employers because they may engage in so-called "activities with a substantial illegal purpose," however, it defines this term in such a way that would allow the Secretary to make a subjective finding of "illegal purpose" where no unlawful activities have taken place. It would provide the Administration with yet another tool to penalize organizations it does not agree with at the expense of public service workers' financial wellbeing. The proposed rule seeks to create a political litmus test for qualifying public service, which has the potential to discriminate against the viewpoints of certain employers that serve specific populations and restrict the PSLF benefit to only those individuals whose employers align with a particular political party or policy agenda. This runs completely counter to the intent and spirit of Congress's goals when it established PSLF in the first place.

The proposed rule directly conflicts with the plain language of the *Higher Education Act* as Congress adopted it nearly 20 years ago.

The text of the *Higher Education Act* (HEA) makes crystal clear that Congress did not intend for the Secretary to turn the PSLF program into a weapon for a partisan agenda. The HEA requires that "[t]he Secretary *shall* cancel the balance of interest and principal due. . . for a borrower who has made 120 monthly payments on the eligible Federal Direct Loan, and is employed in a public service job." 20 U.S.C. § 1087e(m) (emphasis added). A "public service job" is defined in the same section as a job with a government or 501(c)(3) non-profit.² The text is unambiguous and straightforward: any public service borrower who has completed their ten years of service at a qualifying 501(c)(3) employer is entitled to loan forgiveness from the Department. The statute does not give the Secretary any discretion to disqualify *particular* employers or deny further loan forgiveness. Nor does the statute authorize the Secretary to identify particular activities that it deems unsuitable, to devise and implement a process where the Department serves as the prosecutor, judge, and jury to determine if a particular employer is engaging in those activities, and then to disqualify the employer for ten years, as the proposed rule would do.

Legislative history provides further evidence that Congress never intended for the Secretary to interpret the PSLF statute as it has done here. In its report issued alongside the *College Cost Reduction and Access Act of 2007*, the House Committee on Education and Labor explained that PSLF was intended to help "alleviat[e] student loan debt" and "encourage participation" in public interest careers.³ The Committee expressed its concern that a "growing number of individuals. . . do not choose to enter into lower paying professions, such as public service, because of growing debt due to student loans."⁴ PSLF served to "recognize the contributions and challenges of public service" and "to encourage participation in those careers."⁵ The Conference Report also makes clear that Congress meant that the Secretary "shall forgive" loan balances of public servant workers, without any limitation.⁶ Just as notable as what is in the committee

² While the Secretary has the discretion to expand the definition of public service to include additional types of organizations, nothing authorizes the Secretary to place arbitrary limits on eligible employers based on factors such as ideological mission.

³ H.R. REP. 110-210 at 48-49 (2007).

⁴ *Id.* at 48-49.

⁵ *Id.*

⁶ H. Rep. 110-337 at 47-48 (2007) (Conf. Rep.).

reports is what is not. At no point did Congress consider, let alone adopt, restrictions on what kinds of 501(c)(3) employers qualify for PSLF. Nor did Congress consider, let alone delegate, authority to the Secretary to disqualify employers based on a partisan or political litmus test. Quite simply, the Secretary lacks the statutory authority to accomplish the proposed rule's goals.

The proposed rule is an attack on constitutionally protected rights.

We have serious concerns about the proposed rule's administrative procedures and its implications for the Fifth Amendment's protections for due process under the law. The order's vague and arbitrary restrictions on which organizations qualify for PSLF are egregious and are clearly intended to intimidate and punish organizations that do not adhere to the administration's political agenda, rather than improve the PSLF program. The NPRM also makes it easier for the Department to crack down on public service employers that it does not agree with, with no meaningful opportunity for the employer to defend itself and appeal an adverse decision. This vague and largely undefined administrative procedure, which is not tied to any specific provision in the PSLF section of the HEA, will likely deter thousands of non-profits and state and local government agencies from pursuing work that is vital to the communities they serve.

Moreover, under the guise of national security, the proposed rule unfairly targets organizations that serve marginalized communities, such as those advocating for immigrants or protecting vulnerable children, with no evidence of any illegal activity. These organizations provide critical social services, help prevent injustice and ensure due process, and offer medical care to our most vulnerable populations.

Also, the broad language of the proposed rule will lead to political repression and the chilling of free speech. The First Amendment prohibits any government program from discriminating against organizations based on the viewpoints they express. It also protects individuals from any government activities that would "chill" protected speech. Here, organizations seen as engaging in work that conflicts with the Administration's views could be stripped of the PSLF benefit they rely on to attract and retain staff and carry out their public service missions. By picking and choosing among public and non-profit employers, the proposed rule unequivocally discriminates based on particular viewpoints and perspectives. It is unacceptable for this administration to manufacture a problem to create yet another tool for President Trump to go after any group or organization that does not show loyalty to him or his agenda.

The proposed rule is the latest in a series of efforts to target student loan borrowers and undermine the PSLF program.

Finally, we would be remiss if we didn't mention the context in which this proposal has been unveiled. Over the last several months, the Trump Administration has been actively working to dismantle the Department of Education, including by ordering the Secretary to develop a comprehensive shutdown plan and laying off nearly half of its dedicated workforce.⁷ It is absolutely unacceptable that this administration is using its extremely limited staff capacity⁸ to

⁷ <https://www.ed.gov/about/news/press-release/us-department-of-education-initiates-reduction-force>

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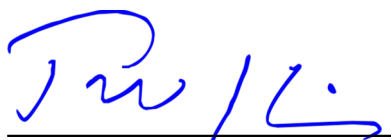
politicize the PSLF program, rather than following the law and processing the debt forgiveness and PSLF buyback requests for the thousands of public servants who have been waiting for these services for months.⁹ According to the most recent reports, only 10,000 PSLF buyback applications have been processed, while over 72,000 applications remain in the queue.¹⁰

Making matters worse, the Department has an unprecedented backlog of more than 1.3 million applications from borrowers desperately seeking affordable monthly payments under Income Driven Repayment—a repayment plan that is required in order to access PSLF. It is preposterous that as more than a million borrowers wait patiently for the Department to process their applications and forgiveness, the Trump Administration is more focused on politicizing the program than implementing the law as Congress intended.

The weight of student loan debt, especially following the significant changes to the student loan repayment options from the *One Big Beautiful Bill Act*, will continue to make pursuing higher education harder and more expensive for low- and middle-income households. Public service careers have historically had significantly lower wages¹¹ than those in fields such as finance or technology. As a result, programs such as PSLF will be more critical than ever to ensure students across the country continue to have an incentive to pursue public service in the face of increasing college costs, and the absence of high wages. PSLF is a vital lifeline for those that dedicate their lives to their communities.

Revoking PSLF eligibility for public service workers who serve across communities nationwide is both reckless and harmful. We strongly urge the Department to follow the law and protect PSLF from future partisan, political attacks by immediately withdrawing this proposed rule.

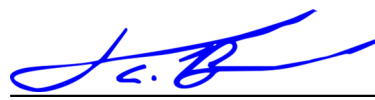
Sincerely,



Tim Kaine
United States Senator



Kirsten Gillibrand
United States Senator



Cory A. Booker
United States Senator



Lisa Blunt Rochester
United States Senator



Richard Blumenthal
United States Senator

⁹ <https://www.forbes.com/sites/adamminsky/2025/08/18/student-loan-forgiveness-application-backlog-gets-even-worse/>

¹⁰ <https://www.forbes.com/sites/adamminsky/2025/08/18/student-loan-forgiveness-application-backlog-gets-even-worse/>

¹¹ <https://www.epi.org/publication/widening-public-sector-pay-gap/>



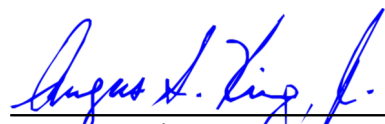
Charles E. Schumer
United States Senator



Andy Kim
United States Senator



Christopher A. Coons
United States Senator



Angus S. King, Jr.
United States Senator



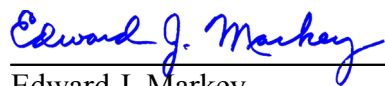
Tina Smith
United States Senator



Adam B. Schiff
United States Senator



Jeffrey A. Merkley
United States Senator



Edward J. Markey
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Elizabeth Warren
United States Senator



Chris Van Hollen
United States Senator



Amy Klobuchar
United States Senator



Richard J. Durbin
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Alex Padilla
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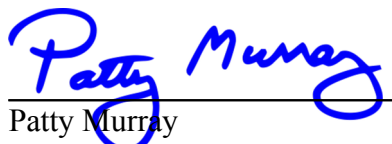
John Hickenlooper
United States Senator



Bernard Sanders
United States Senator



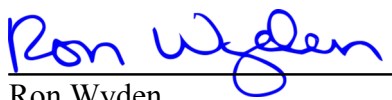
Peter Welch
United States Senator



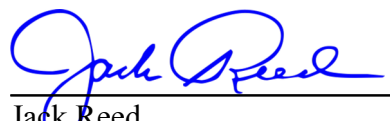
Patty Murray
United States Senator



Tammy Baldwin
United States Senator



Ron Wyden
United States Senator



Jack Reed
United States Senator



Sheldon Whitehouse
United States Senator



Angela D. Alsobrooks
United States Senator