

United States Senate

WASHINGTON, DC 20510

June 19, 2018

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

Dear Secretary DeVos:

While we appreciate that the U.S. Department of Education (“the Department”) has implemented Sections 315 and 316 of the *Consolidated Appropriations Act of 2018* (P.L. 115-141) pertaining to the Public Service Loan Forgiveness (PSLF) program, we write to share our concerns about the application process for borrowers to receive student loan relief through the Temporary Expanded Public Service Loan Forgiveness (TEPSLF) and to urge the Department to properly implement the law. Furthermore, we request improvements to the policies, changes to the website and communications, and the release of data regarding implementation of this program.

Our country’s public servants work tirelessly and, far too often, for much less pay than they deserve. Congress recognized this in 2007 when it established the PSLF program to help eliminate the additional burden of student loan debt and to encourage graduates to pursue careers in public service. PSLF allows eligible Direct Loan borrowers to eliminate their student debt after making 120 qualifying monthly payments, or the equivalent of 10 years of payments, while working full-time for a federal, state, local, or tribal government organization or eligible nonprofit organizations. Once a borrower completes these payments, they are eligible to apply for Direct Loan cancellation.

Due to inconsistent, unclear, and sometimes incorrect guidance from loan servicers many borrowers have enrolled in the incorrect repayment plan and therefore do not qualify for loan forgiveness through the PSLF program.¹ The Department itself has been aware of these issues for some time, as it granted a waiver in 2010 for a servicer to adjust qualifying payments for borrowers with Direct Consolidation Loans who were incorrectly advised by their previous servicer to enroll in graduated repayment plans, rather than income-driven repayment plans.

In response to constituent concerns about misinformation and confusion around the complex PSLF requirements, we introduced S. 2136, the *PSLF Technical Corrections Act*, to allow loan cancellation for public service borrowers who were enrolled in the wrong repayment plan, often at no fault of their own. Section 315 of the *Consolidated Appropriations Act of 2018* includes provisions modeled after our legislation and provides \$350 million for debt cancellation to qualifying borrowers. Section 316 includes \$2.3 million for the Department to conduct outreach to improve the knowledge of the benefits, and terms and conditions, of the PSLF program to help

¹ See https://files.consumerfinance.gov/f/documents/201706_cfpb_PSLF-midyear-report.pdf

stop these problems from happening again. Unfortunately, your eligibility criteria for TEPSLF are significantly more restrictive than our legislation ever proposed.

On March 29, 2018, we wrote to you requesting a briefing about the Department's plans for implementation including information about how the Department expects to indicate to borrowers that they are eligible for loan cancellation under the parameters in Section 315; what application procedures will look like for borrowers and how this process will ensure they are receiving the appropriate direction to the correct source of funding for cancellation; how the Department plans to work with student loan servicers to publicize the availability of and issue forgiveness; how the Department plans to publicize information to borrowers; and the Department's plans to comprehensively improve outreach for PSLF under Section 316 by directly contacting federal student loan borrowers. Unfortunately, we have yet to receive a response to our request.

While the Department has met the 60-day timeline outlined in Section 315 for implementing TEPSLF, we are deeply concerned by unnecessary hurdles that have been put in place for borrowers. Many of our constituents have expressed frustration and confusion with the Department's unnecessarily restrictive approach to determining borrowers' eligibility for TEPSLF. Section 315 directed the Secretary to "make available a *simple method* for borrowers to apply for loan cancellation," but the current process appears anything but simple.

First, the Department is significantly and needlessly restricting access to TEPSLF by requiring borrowers to either have been denied, or to have a full PSLF Application for Forgiveness in process, in order to be considered. Many borrowers in graduated or extended repayment have previously been told by their loan servicer that they are ineligible for PSLF because they were enrolled in a non-qualifying repayment plan, and therefore they never sought out forgiveness or took the steps to formally complete their full PSLF application. The Department's communications should tell these borrowers they can proceed to complete a PSLF Application for Forgiveness *despite* confusing language on that form referring to "qualifying payments."

We believe the process would be simpler and fairer for borrowers if they have the ability to apply for TEPSLF regardless if they had a PSLF application in process or denied and then are guided down the appropriate pathway to receive loan cancellation. If a borrower requests TEPSLF before a PSLF application has been submitted, then Federal Student Aid should communicate to the borrower that they must submit the PSLF application within a few weeks, prior to moving forward with the process to receive cancellation. We urge you to alter the application process in this manner so that our nation's public servants can avoid unnecessary hurdles to accessing TEPSLF.

Our constituents have also raised concerns that the TEPSLF rejection email misleads borrowers to believe they are ineligible. When a borrower who has not yet applied for PSLF applies for TEPSLF, a portion of their rejection email reads: "*To be considered for Temporary Expanded Public Service Loan Forgiveness opportunity, you must have submitted the Public Service Loan Forgiveness (PSLF) Application for Forgiveness and had that application denied. Our records, however, show that you have not applied for PSLF and had your application denied. We cannot consider you for the Temporary Expanded Public Service Loan Forgiveness opportunity at this*

*time.*² We are concerned that this correspondence does not explicitly communicate to the borrower that they can submit a PSLF application and then get placed in line to be considered for TEPSLF. This rejection notice, especially the last sentence, is unnecessary and unclear for borrowers as to why they are not being considered for TEPSLF at the moment they submitted an email, and due only to a procedural barrier. No borrower should be denied relief simply due to the order in which they filed paperwork.

Additionally, the Department's website is plainly incorrect. It repeatedly asserts that borrowers must have filled out a PSLF application and "had that PSLF application denied."³ However, the Department has indicated that it will process a PSLF Application for Forgiveness that is currently *in process*—but not yet denied. The Department's website, and all communications with borrowers, must make clear that a borrower can submit such application today while they apply for TEPSLF, and does not need to wait for a denial notice which could take weeks or months to receive. We also request information about the Department's plan to serve and communicate with borrowers who have made "some, or all of the 120 required payments under section 455(m)(1)(A)." Although these borrowers would not currently qualify for PSLF, the Department requires them to complete and submit a PSLF Application for Forgiveness in order to be eligible for TEPSLF. Few borrowers will understand that they should fill out a form that explicitly tells them they are not eligible. It is also unclear on the Department's TEPSLF homepage and in the TEPSLF rejection email that borrowers can submit a PSLF application at any time, even if they have not yet made 120 payments that all qualify. We request the Department clearly communicate with borrowers with some non-qualifying payments, but 120 payments in total, that they may submit a PSLF Application for Forgiveness.

Additionally, the Department should provide additional clarity in how it plans to use the \$2.3 million allocated to conduct outreach to improve the knowledge of the benefits, and terms and conditions, of the PSLF program for all borrowers. This provision was enacted in response to the persistent confusion PSLF has caused for borrowers with the intent to reduce problems with PSLF going forward. The funding directs outreach to *all* Direct Loan borrowers. We request information on how the Department is using the \$2.3 million it was appropriated to improve communication on the PSLF program to all Direct Loan borrowers and to improve the filing of employment certification forms. Specifically, the Department should provide information on available outreach options that were considered, and how the Department intends to measure the success of its proactive communications with borrowers.

Finally, we ask the Department to provide no less than monthly data on the processing of TEPSLF applications, including total number of requests received, total number of requests denied, most common reasons for denials (including the number denied due to having no PSLF Application for Forgiveness in process or denied), number of borrowers approved, number of loans approved, and total dollar amount forgiven. Our public servants make our communities and our country stronger and better. We urge the Department to be thoughtful in the implementation of the TEPSLF and make it a simple and fair process for our honorable public service workers to receive the student loan debt relief that they have earned. Given the importance of this new

² See Attachment A

³ See Attachment B

funding to all Direct Loan borrowers and to our constituents and the confusion the TEPSLF application process has caused for many borrowers thus far, we request a response to our inquiries by July 3, 2018. We look forward to your prompt attention to the implementation of this funding and look forward to your response regarding our questions and concerns.

Sincerely,



Tim Kaine
United States Senator



Sheldon Whitehouse
United States Senator



Tammy Duckworth
United States Senator



Margaret Wood Hassan
United States Senator

From: <TEPSLF@myfedloan.org>

Date: [REDACTED] May [REDACTED] 2018 [REDACTED]

Subject: RE: TEPSLF Request [REDACTED]

To: [REDACTED]

YOU ARE NOT ELIGIBLE FOR TEMPORARY EXPANDED PSLF

Thank you for recently requesting that we evaluate your eligibility under the Temporary Expanded Public Service Loan Forgiveness (TEPSLF) opportunity.

To be considered for Temporary Expanded Public Service Loan Forgiveness opportunity, you must have submitted the Public Service Loan Forgiveness (PSLF): Application for Forgiveness and had that application denied. Our records, however, show that you have not applied for PSLF and had your application denied.

We cannot consider you for the Temporary Expanded Public Service Loan Forgiveness opportunity at this time.

WHAT SHOULD YOU DO NEXT?

To be eligible for PSLF, you must have made 120 qualifying payments while being employed by a qualifying employer. If you believe you are eligible, you should fill out the Public Service Loan Forgiveness (PSLF): Application for Forgiveness.

Visit StudentAid.gov/publicservice for information about PSLF eligibility requirements and how to apply.

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If your PSLF application was denied because some or all of your payments were not made on a qualifying repayment plan for PSLF, you may be able to receive loan forgiveness under a temporary opportunity.

Learn more to see how to request consideration.

The *Consolidated Appropriations Act, 2018* provided limited, additional conditions under which you may become eligible for loan **forgiveness** if some or all of the payments you made on your **William D. Ford Federal Direct Loan (Direct Loan) Program** loans were under a nonqualifying repayment plan for Public Service Loan Forgiveness (PSLF). The U.S. Department of Education (ED) is referring to this reconsideration as the Temporary Expanded Public Service Loan Forgiveness (TEPSLF) opportunity.

If you believe you qualify for the TEPSLF opportunity, it's important to read the information on this page and send ED your TEPSLF request email as soon as possible. This opportunity is temporary, has limited funding, and must be provided on a first come, first served basis. Once all of the funds are used, the TEPSLF opportunity will end.

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How do I qualify for TEPSLF?

To qualify for loan forgiveness under the TEPSLF opportunity, you must have

- submitted the *Public Service Loan Forgiveness (PSLF): Application for Forgiveness (PSLF application)* and had that application denied only because some or all of your payments were not made under a qualifying repayment plan for PSLF;
- had at least 10 years of full-time employment certified by a qualifying employer and approved by FedLoan Servicing, ED's federal loan servicer for the PSLF Program; and
- made 120 qualifying payments under the new requirements for TEPSLF while working full-time for your qualifying employer or employers.

TEPSLF is available only to Direct Loan borrowers. Borrowers with loans made under the **Federal Family Education Loan (FFEL) Program** are not eligible for the opportunity.

Your eligibility for PSLF will be reconsidered only if you [send an email request](#) for reconsideration. Please be aware that the TEPSLF opportunity is temporary, has limited funding, and must be evaluated on a first come, first served basis.

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Which form is the PSLF application?

The PSLF application has the title “*PUBLIC SERVICE LOAN FORGIVENESS (PSLF): APPLICATION FOR FORGIVENESS*” at the top of the form. You would have filled out the PSLF application to request loan forgiveness.

There's a different PSLF form that collects employment certification information throughout your 10 years of repayment and public service. That form has the title “*PUBLIC SERVICE LOAN FORGIVENESS (PSLF): EMPLOYMENT CERTIFICATION FORM*” at the top. It is not the PSLF application for forgiveness.

To be considered for TEPSLF you must have submitted the PSLF application—not the PSLF employment certification form—and had that PSLF application denied only because some or all of your payments were not made under a qualifying repayment plan for PSLF.

Visit [StudentAid.gov/publicservice](https://studentaid.gov/publicservice) for information about PSLF eligibility requirements and how to apply.

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If my PSLF application was denied, why would I be eligible under TEPSLF?

ED will reconsider your eligibility for PSLF using an expanded list of qualifying repayment plans. Some payments that don't count toward loan forgiveness under PSLF may count toward forgiveness under TEPSLF.

The additional qualifying repayment plans include the Graduated Repayment Plan, Extended Repayment Plan, Consolidation Standard Repayment Plan, and Consolidation Graduated Repayment Plan. These plans don't usually qualify for PSLF.

You will be eligible for the TEPSLF opportunity only if, among other requirements, the amount you paid 12 months prior to applying for TEPSLF and the last payment you made before applying for TEPSLF are at least as much as you would have paid under an income-driven repayment plan. FedLoan Servicing will assess this and contact you if they need documentation of your income to determine whether you are eligible.

Learn more about [income-driven repayment plans](#).

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How do I request TEPSLF consideration?

Follow these steps to request TEPSLF consideration:

- Prepare an email to FedLoan Servicing requesting that ED reconsider your eligibility for PSLF.
- Include the same name under which you submitted your PSLF application and your date of birth in the email.
- Send the email to TEPSLF@myfedloan.org.

Here's a model you can follow:

To: TEPSLF@myfedloan.org

Subject: TEPSLF request

I request that ED reconsider my eligibility for public service loan forgiveness.

- Name: [Enter the same name under which you submitted your PSLF application]
- Date of Birth: [Enter your date of birth in MM/DD/YYYY format]

Thank you.

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What will happen after I send my TEPSLF request email?

FedLoan Servicing will confirm that you previously submitted the PSLF application and had that application denied. You will then receive an email from TEPSLF@myfedloan.org letting you know whether you can be considered for the TEPSLF opportunity.

This initial response you receive from FedLoan Servicing will tell you the results of the application check and what will happen next.

You'll receive one of the following messages in that response:

- **You are being considered for TEPSLF** because you applied for PSLF and had your application denied. FedLoan Servicing will contact you again once the review is complete or if they need additional information.
- **You have a PSLF application under review** and if you are not determined to be eligible for loan forgiveness under the PSLF Program, your eligibility for the TEPSLF opportunity will be evaluated automatically because you have already sent your email request for reconsideration. FedLoan Servicing will contact you again once the review is complete or if they need additional information.
- **You are not eligible for TEPSLF at this time** because you have not applied for PSLF and had your application denied.

To be eligible for PSLF, you must have made 120 qualifying payments on Direct Loans while being employed full-time by a qualifying employer. If you receive this message and believe you are eligible, you should fill out the PSLF application. Visit [StudentAid.gov/publicservice](https://studentaid.gov/publicservice) for information about PSLF eligibility requirements and how to apply.

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Whom do I contact with questions about TEPSLF?

If you have questions or cannot email FedLoan Servicing, contact FedLoan Servicing at 1-855-265-4038 from 8 a.m.–9 p.m. Eastern time, Monday through Friday.

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Glossary

Forgiveness

Forgiveness, cancellation, and discharge all refer to the cancellation of a borrower's obligation to repay all or a portion of the remaining principal and interest owed on a student loan, but are g...

William D. Ford Federal Direct Loan (Direct Loan) Program

The federal student loan program under which eligible students and parents borrow directly from the U.S. Department of Education at participating schools. Direct Subsidized Loans, Direct Unsubsidiz...

Direct Loan

A federal student loan, made through the William D. Ford Federal Direct Loan Program, that eligible students and parents borrow directly from the U.S. Department of Education at participating schoo...

Loan Servicer

A company that collects payments, responds to customer service inquiries, and performs other administrative tasks associated with maintaining a federal student loan on behalf of a lender. If y...

Federal Family Education Loan (FFEL) Program

Under this program, private lenders made education loans that were guaranteed by the federal government. These loans included Subsidized Federal Stafford Loans, Unsubsidized Federal Stafford Loans,...