

United States Senate
WASHINGTON, DC 20510

June 18, 2019

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

Dear Secretary DeVos:

We write today to seek the status of each borrower defense group discharge application submitted by State attorneys general and urge you to provide full borrower defense discharges to qualified borrowers covered by these group applications.

According to data recently provided by the Department of Education (Department), attorneys general of 20 states have submitted group discharge applications on behalf of defrauded borrowers in their states.¹ These applications cover students who attended American Career Institute, Anthem University, Corinthian Colleges, Inc., Globe University and Minnesota School of Business, Kaplan University, Lincoln Technical Institute, and Westwood College.² Earlier this month, Attorney General Kwame Raoul of Illinois and Attorney General Phil Weiser of Colorado submitted group discharge applications on behalf of Illinois Institute of Art and Art Institute of Colorado students who were misled about their institutions' accreditation status.³

The applications rely on findings made by the Department itself or supporting evidence, collected and provided by State attorneys general as part of the application, establishing the group's eligibility for federal loan discharge under the borrower defense provision of the Higher Education Act. In addition, State attorneys general have often already done the exacting work of assembling enrollment and contact information of borrowers within the groups—streamlining administrative processes for the Department and making these loans particularly easy to discharge.

¹ California, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Mexico, New York, Oregon, Pennsylvania, Virginia, Washington, Wisconsin

² See attached. U.S. Department of Education. Agency Response to Questions for the Record submitted by Senator Durbin to the Senate Committee on Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies. Hearing on the Fiscal Year 2020 Budget Request for the U.S. Department of Education. May 08, 2019.

³ Letter from Illinois Attorney General Kwame Raoul and Colorado Attorney General Phil Weiser to U.S. Department of Education. (June 3, 2019). *Loan Discharge for Illinois Institute of Art and Art Institute of Colorado Students*.

http://www.illinoisattorneygeneral.gov/pressroom/2019_06/Letter_to_ED_Re_Group_Discharge_for_Illinois_Institute_of_Art_and_Art_Institute_Coloradostudents.pdf

Despite this, you have inexcusably failed to review and respond to these group applications.⁴ In a recent decision in *Williams v. DeVos*, a federal district court found that you must review group discharge applications submitted by State attorneys general and that you must cease all involuntary collection activities against borrowers covered by State attorney general group discharge applications.⁵ Please provide an update on the status of each of the group discharge applications submitted by State attorneys general.

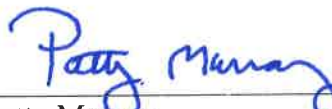
In addition to your failure to respond to group discharge applications from State attorneys general, you are forcing at least 158,110 borrowers with pending borrower defense claims to languish without decision.⁶ These borrowers have been waiting an average of 882 days each.⁷ In fact, it has been nearly one year since the Department publicly reported any borrower defense approvals.⁸

It is time for your cruel delays to end and for you to provide federal student loan discharges to which defrauded borrowers are entitled under the law; the courts have ordered it, students are begging for it, Congress expects it, and justice demands it.

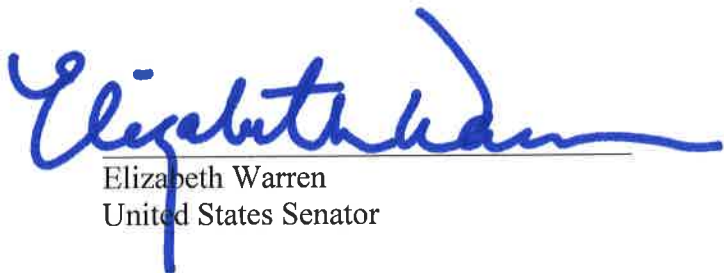
Sincerely,



Richard J. Durbin
United States Senator



Patty Murray
United States Senator



Elizabeth Warren
United States Senator



Richard Blumenthal
United States Senator

⁴Letter from Illinois Attorney General Kwame Raoul to U.S. Department of Education. (June 3, 2019). http://www.illinoisattorneygeneral.gov/pressroom/2019_06/Letter_to_ED_Re_Group_Discharge_for_Westwood_and_Corinthian.pdf

⁵*Williams v. DeVos*, 2019 U.S. Dist. Lexis 78231. Decided May 9, 2019.

⁶U.S. Department of Education. (2018). *Borrower Defense to Repayment Report*. Retrieved from: <https://studentaid.ed.gov/sa/about/data-center/student/loan-forgiveness/borrower-defense-data>

⁷U.S. Department of Education. Agency Response to Questions for the Record submitted by Senator Durbin to the Senate Committee on Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies. Hearing on the Fiscal Year 2020 Budget Request for the U.S. Department of Education. May 08, 2019.

⁸U.S. Department of Education. (2018). *Borrower Defense to Repayment Report*. Retrieved from: <https://studentaid.ed.gov/sa/about/data-center/student/loan-forgiveness/borrower-defense-data>

Sherrod Brown

Sherrod Brown
United States Senator

Edward J. Markey

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United States Senator

Tammy Duckworth

Tammy Duckworth
United States Senator

Bob Casey, Jr.

Robert P. Casey, Jr.
United States Senator

Chris Murphy

Christopher S. Murphy
United States Senator

Kamala Harris

Kamala D. Harris
United States Senator

Ron Wyden

Ron Wyden
United States Senator

Dianne Feinstein

Dianne Feinstein
United States Senator

Chris Van Hollen

Chris Van Hollen
United States Senator

Tammy Baldwin

Tammy Baldwin
United States Senator

Tim Kaine

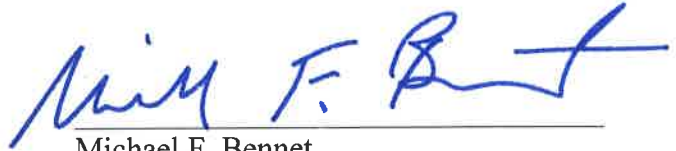
Tim Kaine
United States Senator

Tina Smith

Tina Smith
United States Senator



Mazie K. Hirono
United States Senator



Michael F. Bennet
United States Senator



Amy Klobuchar
United States Senator



Benjamin L. Cardin
United States Senator



Brian Schatz
United States Senator



Kirsten Gillibrand
United States Senator

Durbin Question 6.4

Submissions by Attorneys General Seeking Relief for Constituents

SCHOOL/SCHOOL GROUP	DIPLOMA PROGRAM(S) IF APPLICABLE	ATTORNEY GENERAL	STATE	SUBMISSION DATE
American Career Institute		Maura Healy	Massachusetts	<ul style="list-style-type: none"> • 7/20/2016 • 7/26/2016 • 8/3/2016 • 8/12/2016 • 11/16/2016 • 11/23/2016 • 1/3/2017
Anthem University		Lori Swanson	Minnesota	<ul style="list-style-type: none"> • 5/3/2016 • 7/22/2016 • 10/19/2016 • 2/13/2017 • 3/9/2017 • 4/4/2017
Corinthian Colleges, Inc.		Maura Healy	Massachusetts	• 11/30/2015
Corinthian Colleges, Inc.		Brad Schimel	Wisconsin	• 2/4/2016
Corinthian Colleges, Inc.	<ul style="list-style-type: none"> • Dental Assistant • Electrician • Massage Therapy • Medical Administrative Assistant • Medical Assistant • Medical Insurance Billing and Coding • Pharmacy Technician 	Lisa Madigan	Illinois	• 12/16/2016
Corinthian Colleges, Inc.		Bob Ferguson	Washington	• 12/20/2016

<p>Corinthian Colleges, Inc.</p>	<p>Submission for discharge for students enrolled at programs covered by the Department's job placement rate misrepresentation findings.</p>	<p>Lisa Madigan Bob Ferguson Maura Healy Xavier Becerra George Jepsen Matthew Dean Douglas Chin Tom Miller Andy Beshear Brian E. Frosh Janet T. Mills Lori Swanson Jim Hodd Hector Balderas Eric T. Schneiderman Ellen F. Rosenblum Josh Shapiro Mark R. Herring Karl A. Racine</p>	<p>Illinois Washington Massachusetts California Connecticut Delaware Hawaii Iowa Kentucky Maryland Maine Minnesota Mississippi New Mexico New York Oregon Pennsylvania Virginia District of Columbia</p>	<ul style="list-style-type: none"> • 6/5/2017
<p>Globe University & Minnesota School of Business</p>		<p>Lori Swanson</p>	<p>Minnesota</p>	<ul style="list-style-type: none"> • 6/7/2016
<p>Kaplan University</p>	<ul style="list-style-type: none"> • Medical Assistant • Medical Billing and Coding 	<p>Maura Healy</p>	<p>Massachusetts</p>	<ul style="list-style-type: none"> • 5/6/2016 • 5/31/2016
<p>Lincoln Technical Institute</p>	<ul style="list-style-type: none"> • Criminal Justice 	<p>Maura Healy</p>	<p>Massachusetts</p>	<ul style="list-style-type: none"> • 1/14/2016
<p>Westwood College</p>	<ul style="list-style-type: none"> • Criminal Justice 	<p>Lisa Madigan</p>	<p>Illinois</p>	<ul style="list-style-type: none"> • 12/13/2016