



State of California
Office of the Attorney General

XAVIER BECERRA
ATTORNEY GENERAL

November 11, 2020

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

The Honorable Christopher C. Miller
Acting Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretaries DeVos and Miller:

As the nation recognizes Veterans Day, I am writing to inquire into the status of your efforts to provide student loan interest relief to America's combat veterans, and to urge you to make every effort possible to honor the nation's commitment to provide this relief.

As you know, in 2008 Congress waived all interest charges for direct student loans for servicemembers, including members of the National Guard, who are serving on active duty during a war, military operation, or national emergency, and who are receiving hostile fire or imminent danger pay. *See* 20 USC 1087e(o). However, as has all too often been the case with other forms of federal student loan debt relief, including closed school discharges, borrower defense to repayment, and the Public Service Loan Forgiveness program, the Department of Education has historically failed to deliver on this right.

As of 2015, the Consumer Financial Protection Bureau estimated that otherwise-eligible military borrowers had paid more than \$100 million in unnecessary interest charges since this benefit was created. It is critical that your departments take every possible step to ensure that these payments are refunded automatically, and that servicemembers are protected from these unlawful over-charges going forward.

Last year your departments gave notice of a new data matching program wherein the Defense Manpower Data Center would provide the Department of Education with access to information on service members receiving imminent danger pay and hostile fire pay. *See*

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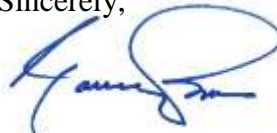
Privacy Act of 1974; Matching Program, 84 FR 64052 (November 20, 2019) and Privacy Act of 1974; System of Records, 84 FR 15605 (April 16, 2019). However, it is unclear whether and to what extent this program has been implemented or used to provide refunds or other debt relief to qualifying borrowers.

For this reason, I write to request information on the following:

1. Whether, and to what extent, you have implemented a program to provide automatic debt relief to all student borrowers who qualify for that relief under 20 USC 1087e(o);
2. If you have implemented such a program:
 - a. A description of the program and its elements, as well as an assessment of its effectiveness in automatically delivering on the rights provided by 20 USC 1087e(o);
 - b. An explanation of whether the program provides relief to all eligible veterans who have performed qualifying military service since October 1, 2008, or whether such relief will only be provided following the start date of the program.
 - c. Information on the number of student borrowers who have received relief under the program, as well as the amount of relief received; and
 - d. Information on the number of student borrowers who are entitled to, but have not yet received, relief under the program, as well as the amount of relief they are owed.
3. If you have not yet implemented such a program:
 - a. An explanation of why you have not done so; and
 - b. Information on the number of student borrowers who are entitled to, but have not yet received, relief under 20 USC 1087e(o), and the amount of relief to which they are entitled.

Our nation has all too often failed to honor its commitments to its veterans. I urge you to take every action necessary to deliver on this commitment to provide student loan interest relief to our combat veterans.

Sincerely,



XAVIER BECERRA
California Attorney General