

STUDENT DEBT RELIEF *AMICI CURIAE* QUOTE SHEET

For Immediate Release: January 11, 2023

Media Contacts:

Student Borrower Protection Center: Jackie Filson, jackie@protectborrowers.com

Democracy Forward: Feldman Strategies, team@feldmanstrategies.com

American Federation of Teachers: Andrew Crook, acrook@aft.org

Student Debt Relief *Amici Curiae* Quote Sheet

Persis Yu, Deputy Executive Director and Managing Counsel at the Student Borrower Protection Center on brief by 70+ legal services and borrower advocacy organizations from across the country:

“As this country works its way out of the COVID-19 pandemic, working and middle-class Americans are counting on the President to deliver on his promise of student debt relief. The collective Amici are on the front lines helping borrowers survive financial havoc wrought by the double whammy of the broken student loan system and COVID-19 pandemic. Restarting repayment without cancellation will expose millions of borrowers to default and deprive too many of their wages, social security benefits, and Earned Income Tax Credit. These borrowers deserve better than to be treated like political pawns. We have faith that the Supreme Court will see through the political chicanery and allow this critical program to deliver the relief that 40 million working and middle-class borrowers desperately need.”

Randi Weingarten, President, American Federation of Teachers on Brief filed on behalf of AFT, AFSCME, and AAUP filed by Selendy and Gay:

“Our brief shares the harrowing stories of teachers and nurses and adjuncts crushed by student debt and burnt out from pandemic stress. It tells the story of people like physical therapist Nicole Brun-Cottan, who devotes her days to healing those with serious trauma and long-term disabilities, but saddled with \$105,000 in loan debt and unable to afford a home, is considering leaving the field. The law is clear: the Administration acted reasonably to help those affected by the pandemic. While President Biden has tried to bring much-needed relief to 26 million borrowers struggling to pay student loans, far-right special interests have opted to wage a full-frontal legal attack on those young people’s futures. Our opponents would rather thwart their dreams than support any type of debt discharge. We are asking the court to recognize that debt cancellation is not only perfectly legal, but essential for American workers struggling to overcome the financial setbacks caused by the pandemic and the inequities of the current system.”

Skye Perryman, President and CEO, Democracy Forward, on brief by two dozen law scholars, including by UC Berkeley Law Dean Erwin Chemerinsky:

“As briefings submitted by a diverse range of people from affected communities, experts, and

STUDENT DEBT RELIEF *AMICI CURIAE* QUOTE SHEET

legal scholars show, President Biden’s debt relief plan for student loan borrowers is legal, necessary, and appropriate,” said Skye Perryman, President and CEO of Democracy Forward. “Debt relief will help millions across the country recover from the economic effects of the pandemic. President Biden’s Department of Education has done what Congress empowered it to do in the bipartisan HEROES Act, which specifically granted the federal government the legal authority to provide financial relief to borrowers harmed by a national emergency. We urge the Supreme Court to uphold the federal government’s debt relief plan and vacate the lower court’s injunction.”

David Nahmias, staff attorney, UC Berkeley Center for Consumer Law & Economic Justice on brief by ArchCity Defenders and other Missouri consumer advocates:

“When the Missouri legislature created Missouri Higher Education Loan Authority (MOHELA) over 40 years ago, it made clear that the agency is financially and operationally independent from the state. Yet with this lawsuit, Missouri is arguing that the state will be harmed because student debt cancellation might cause MOHELA to lose some loan servicing revenue. Missouri can’t have it both ways.”

Damon Hewitt, President and Executive Director of the Lawyers’ Committee on brief by the Lawyers’ Committee for Civil Rights Under Law and 21 advocacy organizations, filed with Lief Cabraser Heimann & Bernstein, LLP:

“The Supreme Court must uphold the Biden-Harris Administration’s student debt relief program and affirm its commitment to protecting the millions of lower-income borrowers from needlessly falling into a spiral of delinquency and default on their loans. For so many people—especially for Black and Latinx borrowers who were already more likely to fall into delinquency due to systemic inequities—the economic fallout of the pandemic continues to undermine their financial wellbeing and limit their future opportunity. With the potential to eliminate the debt of nearly 50 percent of Latinx borrowers and 25 percent of Black borrowers, the student debt relief plan would make an enormous difference for these Americans who often receive the least support, but have been most impacted by the pandemic. The Lawyers’ Committee urges the Court to do not only what is just, but what is necessary in a time of unprecedented economic uncertainty.”

Smita Ghosh, Appellate Counsel, Constitutional Accountability Center, on brief by Congressman George Miller:

“In response to an unprecedented global pandemic, and relying on authority Congress gave the Education Secretary in the HEROES Act, the Education Secretary put in place a debt relief plan that reflected the breadth of the economic hardship created by the pandemic. Those now challenging this plan argue that Congress did not give the Secretary the authority to relieve student debt in this way, but as our brief on behalf of former Representative George Miller, one of the chief architects of the HEROES Act, explains, that argument is at odds with the text and history of that law.”

STUDENT DEBT RELIEF *AMICI CURIAE* QUOTE SHEET

Jonathan Miller, Chief Program Officer, Public Rights Project on brief by local governments across the country:

“Our Amicus shows that the states fighting against student debt cancellation clearly have no standing. They will suffer no actual economic harm, and in fact will receive many benefits. Student debt cancellation is a crucial step taken by the Biden administration to address inequality and insecurity made more urgent by the pandemic. It will spur our economy through business creation, enhance educational opportunities, fill in gaps in the jobs market, and ensure more housing stability. Public Rights Project is proud to stand with our local government partners and in coalition with organizations across the country to fight for this necessary relief to millions of student loan borrowers.”

Mayor Frank Scott Jr., City of Little Rock, Arkansas, Amici on brief Brief by local governments across the country:

“Millions of Americans face the overwhelming burden of long-term student debt, and our minority populations are disproportionately impacted. The Biden Administration’s debt relief plan would provide almost \$250 million in student debt relief to Little Rock residents alone, unleashing untapped economic potential in our City and giving our residents needed relief as we recover from a global pandemic. I’m glad to join with municipal leaders across the country to ask the Supreme Court to reinstate the President’s plan and bring needed relief to our working families.”

Peter Perkowski, Legal & Policy Director of Minority Veterans of America on brief by Minority Veterans Association and five other veterans service organizations, filed by Skadden Arps:

“Because of predatory practices from for-profit universities and difficult-to-navigate rules for GI benefits, student loan debt burdens have disproportionately affected veterans, particularly Black veterans and other veterans of color,” said. “The data show that the pandemic has only worsened these disparities. The Biden Administration’s loan forgiveness program will help restore these veterans to financial stability.”

A brief by 25 economists, sociologists, public policy and higher education scholars, filed by HWG Law:

“[T]he economic literature shows that both recent college graduates and those who graduated many years ago are now in a worse position financially on account of the pandemic, so they are likely to have more difficulty paying off their student loans than if the pandemic had not occurred. These negative effects of the pandemic are most likely to affect borrowers who have

STUDENT DEBT RELIEF *AMICI CURIAE* QUOTE SHEET

lower income and fewer assets, such as Pell Grant recipients. The Secretary's decision to provide additional relief to Pell Grant recipients thus targets relief to those most in need, while the income cap denies relief to those least likely to need it."

"In addition, student loan borrowers who did not complete college are financially worse off, even when compared to individuals who never went to college. These borrowers are in double jeopardy—not only do they lack a degree that could help them earn more, they are experiencing generally diminished earnings due to the pandemic."

A brief by the NAACP:

"[F]or student borrowers, there is very little margin for error. And that means that the majority of student borrowers are ill-equipped to ride out the unprecedented, adverse economic conditions of the COVID-19 pandemic."

"Arthur Stevens, a U.S. Army veteran, was employed at an aerospace manufacturing company until July 7, 2020, when, despite its Paycheck Protection Program loan, his employer laid him off due to the COVID-19 economic slowdown. Since then, his attempts to start his own company and get back on his feet financially have been frustrated by COVID-19...Due to the economic hardships caused by the COVID-19 pandemic, Mr. Stevens will be unable to make full payments toward his student loans without further help. The Secretary's order would make it possible for him to finally pay down his remaining balance and improve his credit score enough to qualify for a Veterans Administration program to secure better housing."

"In spring 2020, Nakia Fleming, Ph.D., a single mother and social worker, had to choose between her job and her children. Two of her sons' kindergarten and elementary school classes became entirely virtual...Ms. Fleming was forced to change jobs... The pay cut Ms. Fleming was forced to accept threatens not only Ms. Fleming's ability to pay her student debt obligations, but also her family's housing... Ms. Fleming was the first in her family to go to college. She received Pell Grants and became a therapist to help people heal from abuse and neglect. Despite eight years of working for the U.S. military, because of the COVID-19 pandemic, Ms. Fleming now faces payments on over \$170,000 in student debt from her bachelor's, master's, and Ph.D. on a substantially reduced salary. While the \$20,000 of relief she would find under the Secretary's plan as a former Pell Grant recipient would not restore her to where she was before the pandemic, it would make a significant difference in Ms. Fleming's ability to meet her monthly payments."

A brief by 22 State Attorneys General, led by the Massachusetts Attorney General:

"As we now continue to address the fallout from the COVID-19 pandemic, Amici States seek to ensure that the Secretary's exercise of his statutory authority to prevent pandemic-related defaults is implemented to provide critical relief to borrowers and economic benefits to the States."

STUDENT DEBT RELIEF *AMICI CURIAE* QUOTE SHEET

A brief by conservative law scholars Prof. Samuel Bray at Notre Dame Law School and Prof. William Baude at University of Chicago Law School, filed by Latham & Watkins:

"The standing theories that have been thrown at the wall in these cases are wrong, and many of them would have dangerous implications."

"Not only did the states seek and obtain a national injunction—a remedy lacking any traditional basis in equity—but they obtained this exceedingly broad remedy with an unusually weak basis for standing. That combination is at odds with basic principles of standing and equity jurisprudence that are applicable in the federal courts."

###