



January 29, 2020

The Honorable Richard J. Durbin  
711 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Durbin:

On behalf of Young Invincibles (YI), a national organization dedicated to amplifying the voices of young adults and expanding their economic opportunity, I write to express our support for your resolution of disapproval against Secretary DeVos' borrower defense rule. This rule has been designed to protect fraudulent institutions rather than defrauded students. Following the January 16, 2020 bipartisan vote by the House to pass this resolution, YI urges prompt action bringing this resolution to the Senate floor.

We previously have noted ED's refusal to take action on a massive backlog of more than 200,000 pending borrower defense claims and their failure to process a single claim for over a year. Although we share the outrage of affected students and other advocacy groups over this neglect nationwide, we are particularly mindful of the direct effect of ED's indifference toward residents of five states -- including Illinois -- in which we work directly with young adult advocates. The table below presents the number of pending borrower defense claims in these states relayed by the Department just last year.

**Pending Borrower Defense Claims in YI Regional States as of March 31, 2019<sup>1</sup>**

State	Pending Claims
California	34,821
Colorado	3,055
Illinois	13,955
New York	5,997
Texas	13,955

Along with other student advocates, we have noted numerous ways the 2019 rule will make it more difficult for defrauded borrowers to obtain relief afforded them under the law. Among these provisions,

<sup>1</sup> Source: Letter to Senator Patty Murray from ED Chief Operating Officer Mark A. Brown, July 25, 2019. Retrieved from <https://www.help.senate.gov/imo/media/doc/BDQ12019Report.pdf>.

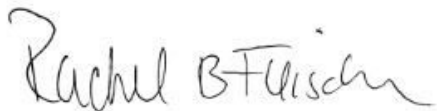
the 2019 rule will remove the ability of defrauded borrowers to seek relief as a group; cut the period of time borrowers can discover misrepresentation to pursue a claim in half from six to three years; impose an undue burden of proof for borrowers to show institutions willfully defrauded them; and remove the ability to pursue an appeal of a denied claim. These and other measures show the true intent of the DeVos rule: To protect the interests of bad actors in the higher education arena rather than the interests of students who believed disingenuous institutions' promises of providing quality credentials.

We at YI remain committed to elevating awareness of the harmful effects of the DeVos borrower defense rule and urging young people in our networks nationwide to voice their support for the resolution disapproving of the 2019 rule. We also remain committed to long-overdue comprehensive reform through reauthorization of the Higher Education Act, which we see as the best vehicle to advance student-centered reforms that protect borrowers from the predatory practices of fraudulent institutions.

Thank you for your ongoing leadership to bring attention to the direct harm many student borrowers -- including tens of thousands in states where YI works to empower young adults -- will experience as a result of the DeVos borrower defense rule. A floor vote in the Senate will provide an opportunity for every member to go on the record as standing up for students or defending a rule that will make it effectively impossible for individuals affected by unscrupulous practices to obtain the debt relief to which they are entitled by federal law.

We look forward to the Senate acting on the resolution of disapproval and will continue our efforts to support its passage.

Sincerely,

A handwritten signature in black ink that reads "Rachel B. Fleischer". The signature is written in a cursive, flowing style.

Rachel Fleischer  
Executive Director