



Hanging in the Balance

Millions at Risk if the Supreme Court
Denies Student Debt Cancellation



Prepared by Senator Elizabeth Warren
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I. Executive Summary

On February 28, 2023, the Supreme Court will hear arguments from Republican officials and special interests that are attempting to permanently block President Biden’s plan to cancel up to \$20,000 in student loan debt for millions of Americans. President Biden announced his plan on August 24, 2022, using his clear authority under the *HEROES Act*, which grants the Secretary of Education authority to grant relief from student loan requirements during a national emergency, such as the COVID-19 pandemic. By December 1, 2022, the administration had received nearly 26 million applications and had already approved applications for 16 million of these borrowers – but before they could receive relief, right-wing judges halted cancellation nationwide based on spurious legal challenges. Now, the Supreme Court will determine if these millions of Americans will receive relief.

President Biden’s cancellation program aims to provide targeted relief to working- and middle-class Americans, which would advance racial equity, help borrowers of all ages, and completely wipe out student debt for up to 20 million people.

However, Republican officials and extremist judges are standing in the way of these hardworking Americans who are getting crushed by student debt. As borrowers wait for the Supreme Court to determine whether the government will provide the relief they need to recover from hardships exacerbated by the COVID-19 pandemic and to avoid default when repayment resumes, millions face an uncertain financial future.

To understand the consequences of this pending decision, Senator Warren sought information from leading higher education, consumer advocacy, and economic justice groups about how Republican-led objections and extremist judges’ actions to block President Biden’s student debt cancellation plan have affected the 43 million borrowers who are due relief. Senator Warren asked the organizations a series of questions about how the courts’ delay of student loan relief has impacted their members, what this relief could mean for everyday people, and the consequences of the Supreme Court banning this relief. This report contains the results of Senator Warren’s inquiry. It finds that:

1. **The President has clear authority to cancel student debt.** The President took action based on his authority under the *HEROES Act* of 2003, and despite the spurious legal challenges, he had clear authority to do so. According to the Alliance for Justice, “this legislation was intended to provide exactly this kind of authority to the Secretary of Education to waive and modify student loan provisions in this way.” And according to the National Consumer Law Center, the “*HEROES Act*, by its plain language, authorizes the Administration “to waive or modify” any federal student loan obligations “as the Secretary deems necessary in connection with” a national emergency to ensure that student loan borrowers “are not placed in a worse position financially.” That is exactly what President Biden’s student debt relief plan would do. Every group that responded to Senator Warren affirmed this clear legal authority, underscoring that the challenges to President Biden’s student relief plan are simply an exercise in partisan judicial activism.

2. **President Biden’s student debt cancellation plan will provide targeted relief to low- and middle-income borrowers and offer financial freedom from crushing student loan burdens.** The responses from over a dozen advocacy groups have clarified that low- and middle-income student loan borrowers and those from historically underrepresented communities have the most to gain from cancellation. Student debt cancellation is particularly helpful for borrowers who struggle the most with repaying their loans: Black borrowers, borrowers who didn’t get a degree, and those who have defaulted on their student loans.

Research from the Federal Reserve Bank of New York found that “lower-income, less educated, non-white, female and middle-aged borrowers will struggle more in making minimum payments” when the payment pause ends. This finding is borne out in the responses from the advocacy groups. UNIDOS, the nation’s largest Hispanic civil rights organization, wrote in their letter: “the [cancellation] program would make a significant impact on our community as Latinos have disproportionately experienced financial harm from the burden of student debt.” Similarly, 1000 Women Strong, a national constituency that mobilizes and organizes at the intersection of issues that impact Black women, described the impact of the relief in their communities:

Lifting this burden would help our communities build generational wealth, bolster the economic strength of our country, and live a life of dignity...It would help put food on the table, pay rent, buy a home. It would keep parents in the workforce by helping pay for childcare or elder care. It would allow us to have a stake in the communities we call home.

3. **Spurious legal challenges to President Biden’s student debt cancellation plan are causing financial anxiety and uncertainty among vulnerable borrowers.** Borrowers have indicated that the legal challenges to student debt cancellation are creating a “perilous limbo” in which they do not know if or when to expect the relief they deserve. According to the Revolving Door Project, “[their] members who have applied for student debt cancellation cannot fully begin to reorient their financial lives to a post-debt phase until this case is resolved.”

Borrowers described the impact of this legal uncertainty. One wrote that, “Upon hearing that this process is currently on hold left me in a deep state of depression. I felt as though I saw a possible ray of hope....For once, I could finally imagine myself owning a home one day and for this debt to possibly get paid off at some point in my life.” Another wrote that, “My anxiety has been so much higher since the legal challenge happened. I’m a 64 year-old teacher who is just making ends meet. The thought of having the loan payments starting again in general and without cancellation terrifies me. It means I might have to take a second job or use my 401K retirement money to pay for the loans. I can not plan for retirement.”

4. **Denying student debt cancellation would cause financial disaster for millions of Americans.** If the Supreme Court sides with the extremist judges, millions of Americans’

monthly costs will rise significantly when student loan payments resume later this year. Further, nearly every response to Senator Warren’s inquiry cited the financial hardship of COVID-19 compounding the existing student loan burden felt by millions of Americans. Reducing debt burdens through cancellation will help avoid defaults when student loan payments resume and ensure borrowers do not face financial ruin as the economy continues its recovery from the COVID-19 pandemic.

Young Invincibles, an organization representing young adults between the ages 18 to 34, described the impact if the Supreme Court does not allow President Biden to use his authority to cancel student debt:

The impact would be devastating and carry generational implications, particularly for communities of low-income backgrounds and communities of color. It would mean the burden of student loan debt would continue to weigh heavily on their month-to-month home economy, delaying life milestones like purchasing a home, starting a business, or putting their children through college. Coupled with inflation and the impact of the pandemic, it would take decades for young adults to recover, and said recovery would also maintain racial inequities. The cycle of debt would not only continue, but it would further entrench itself among borrowers who faced the most barriers to accessing higher education and today need the most help.

5. **Student loan cancellation is the necessary first step to repair the broken higher education system.** Respondents indicated that cancelling up to \$20,000 in student debt will bring extraordinary and much-needed relief to borrowers and, for some 20 million, zero out their debt altogether.

The Debt Collective summarized the importance of cancellation:

Student debt cancellation is the difference between being able to afford to eat or going without. It’s the difference between being able to make rent or facing eviction. It’s the difference between being able to spend time with children and loved ones or being forced to take a second or third job. It’s the difference between rationing medicine or going without, and between having the possibility of an economically secure old age or a lifetime of poverty.

Cancellation is a critical first step in President Biden’s series of higher education reforms, which will improve the broken student loan repayment system, hold colleges accountable for saddling students with unsustainable debt burdens, and make continuing one’s education after high school more affordable.

II. Introduction:

On August 24, 2022, the Biden-Harris Administration announced a historic decision to

provide student debt relief to millions of borrowers who need it the most.ⁱ As part of its three-part plan, the administration will (1) cancel up to \$20,000 in debt for as many as 43 million borrowers, “including cancelling the full remaining balance for roughly 20 million borrowers”; (2) reform the student loan system for current and future borrowers by creating a new income-driven repayment (IDR) plan that cuts monthly payments in half for undergraduate loans and improves the Public Service Loan Forgiveness (PSLF) program; and (3) strengthen efforts to hold colleges accountable for raising costs.ⁱⁱ Together, these reforms will significantly ease the burden of student debt on working and middle-class families. Nearly 90 percent of the cancellation dollars will go to borrowers making less than \$75,000 per year.ⁱⁱⁱ On October 17, 2022, the application for student debt cancellation officially became available,^{iv} and by December 1, 2022, close to 26 million people had applied for the President’s loan cancellation program – and 16 million had already been approved.^v

The cancellation was supposed to take effect for borrowers as soon as January 2023.^{vi} But on November 11, 2022, a federal judge in Texas blocked President Biden’s student debt cancellation plan, endangering the possibility of relief for millions of borrowers.^{vii} Judge Mark Pittman, an appointee of former President Trump and the judge who wrote the opinion in the Texas case, ignored the President’s clear authority under the *HEROES Act* and claimed that the cancellation plan was an “unconstitutional exercise of Congress’s legislative power.”^{viii} Then, on November 14, 2022, a panel made up of three Republican appointees from the U.S. Court of Appeals for the Eighth Circuit sided with a coalition of six Republican-led states to institute an emergency injunction against student loan relief.^{ix} In both cases, the courts halted relief for all borrowers who had applied and blocked any additional borrowers from applying.

On December 19, 2022, the Supreme Court announced that justices would hear oral arguments in both cases challenging President Biden’s student debt cancellation plan on February 28, 2023.^x

A recent analysis revealed that before the Republican lawsuits froze the cancellation program, “more than 98 percent of applications came from ZIP codes where the average income is under \$75,000” and “[a]bout two-thirds were from neighborhoods with an average income below \$40,000.”^{xi} More applications per capita came from communities of color than from majority-white communities.^{xii}

If not for the courts and Republican efforts to stop the President’s plan, roughly 16 million Americans would already have seen up to \$20,000 of their student debt cancelled.^{xiii} One in four Black borrowers and almost half of Latino borrowers would be on track to see their entire student debt balance cancelled, while borrowers who have struggled with debt without having earned a degree would be seeing much-needed relief. Instead, these partisan and legally tenuous attempts to block the President’s authority have left these borrowers in limbo. Without cancellation, millions of Americans’ monthly costs could rise dramatically once student loan payments resume.^{xiv}

On January 11, 2023, a historic coalition of cities, states, experts, and advocacy groups filed over a dozen amicus curiae briefs with the Supreme Court in support of President Biden’s student debt relief program.^{xv} The briefs represented a wide array of perspectives from across the

political and ideological spectrum and presented compelling arguments that showcased broad public support for the program while affirming the strength of the President’s legal authority to cancel student debt.^{xvi}

To better understand the stakes of the upcoming Supreme Court decision, Senator Warren sent an inquiry on January 17, 2023 to leading higher education, consumer advocacy, and economic justice groups seeking information about how the efforts to block President Biden’s student debt cancellation plan have affected the 43 million borrowers who are due relief.^{xvii} The Senator asked the organizations about how the courts’ delay of student loan relief has impacted the organizations’ members and what this relief would mean for them. Senator Warren’s office received over a dozen unique responses from groups, including: 1000 Women Strong, Alliance for Justice, the Debt Collective, the National Association for the Advancement of Colored People (NAACP), the National Consumer Law Center (NCLC), the Revolving Door Project, the Roosevelt Institute, Student Debt Crisis Center, UNIDOS, the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), the National Young Farmers Coalition, and Young Invincibles. This coalition represents a broad set of communities that stand to benefit from student debt cancellation, including working people, borrowers of color, and women. Their responses were compiled in this report, which highlights the importance of the President’s student debt relief plan and tells the stories of those most impacted by efforts to deny cancellation to American families.

III. Findings:

A. The President has the clear legal authority to cancel student debt.

There is little merit to the cases attempting to stop the President’s plan. The President of the United States has clear legal authority to provide student loan relief under the *HEROES Act*.^{xviii} The Education Department General Counsel, in a legal memo written on August 23, 2002, described this authority:

The *HEROES Act*, first enacted in the wake of the September 11 attacks, provides the Secretary broad authority to grant relief from student loan requirements during specific periods (a war, other military operation, or national emergency, such as the present COVID-19 pandemic) and for specific purposes (including to address the financial harms of such a war, other military operation, or emergency)... Specifically, the *HEROES Act* authorizes the Secretary to “waive or modify any statutory or regulatory provision applicable to the student financial assistance programs” if the Secretary “deems” such waivers or modifications “necessary to ensure” at least one of several enumerated purposes, including that borrowers are “not placed in a worse position financially” because of a national emergency. 20 U.S.C. § 1098bb(a)(1), (2)(A). Several provisions of the *HEROES Act* indicate that Congress intended the Act to confer broad authority under the circumstances, and for the purposes, specified by the Act... In present circumstances, this authority could be used to effectuate

a program of categorical debt cancellation directed at addressing the financial harms caused by the COVID-19 pandemic. The Secretary could waive or modify statutory and regulatory provisions to effectuate a certain amount of cancellation for borrowers who have been financially harmed because of the COVID19 pandemic... But the Secretary’s authority can be exercised categorically to address the situation at hand; it does not need to be exercised “on a case-by-case basis.”^{xi}

The U.S. Department of Justice’s Office of Legal Counsel concurred, writing that:

The plain text of the *HEROES Act* authorizes the Secretary to “waive or modify any statutory or regulatory provision applicable to” the federal student loan program, ... an authority that encompasses provisions applicable to the repayment of the principal balances of loans, provided certain conditions are met. We conclude that targeting relief towards those individuals who suffered financial hardship because of COVID -19 and who otherwise satisfy the requirements of the Act accords with the Act’s requirement that the waiver or modification “be necessary to ensure that” student loan recipients who are “affected” by a national emergency “are not placed in a worse position financially” with respect to their loans as a result ... Further, we believe that the Secretary may reasonably conclude that class-wide debt relief in these circumstances is appropriate.^{xx}

The organizations that responded to Senator Warren’s letter all concurred with this interpretation of the law. According to the Alliance for Justice, “this legislation was intended to provide exactly this kind of authority to the Secretary of Education to waive and modify student loan provisions in this way.”^{xxi} And according to the National Consumer Law Center, “[t]he *HEROES Act*, by its plain language, authorizes the Administration “to waive or modify” any federal student loan obligations “as the Secretary deems necessary in connection with” a national emergency to ensure that student loan borrowers “are not placed in a worse position financially.” That is exactly what President Biden’s student debt relief plan would do.”^{xxii} Every group that responded to Senator Warren affirmed this clear legal authority – underscoring that the challenges to President Biden’s student relief plan are simply an exercise in partisan judicial activism.

B. President Biden’s student debt cancellation plan is designed to provide targeted relief to low-and middle-income borrowers and offer financial freedom from crushing student loan burdens.

The student debt crisis is particularly acute for low-income, Black, and Latino borrowers whose dire financial situations were exacerbated and disproportionately impacted by the economic and public health shocks of the pandemic. The President’s targeted student debt relief addresses the financial harms of the COVID-19 pandemic by reducing debt burdens for the most vulnerable borrowers – including those with the highest risk of defaulting once payments resume – and providing them with a smooth transition back to repayment.

The Young Farmers, who represent a national coalition of young farmers across the United States, explained in their response to Senator Warren the disproportionate challenges student loan debt has on their members and how it holds many farmers back from growing their business:

We see that the challenges presented by farming with student loan debt disproportionately affect young Black, Indigenous, and people of color (BIPOC) farmers. The average student loan debt held by young farmers is \$35,660, and the median amount is \$23,000. For young farmers, twenty-percent of survey respondents identified student loans as the main reason why they are not taking out additional loans to support or grow their farm businesses.^{xxiii}

Black and Indigenous farmers, and farmers making under \$125,000 annually, will benefit from student debt cancellation most directly. Forty-five percent of Black young farmers and 37.8% of Indigenous young farmers identified student loan debt as being very and extremely challenging.^{xxiv}

UNIDOS, the nation's largest Hispanic civil rights organization, wrote in their letter:

The [cancellation] program would make a significant impact on our community as Latinos have disproportionately experienced financial harm from the burden of student debt. It is estimated that almost half of Latino borrowers would see their debt balance cleared by the program. Providing debt relief at this unique moment to those who need it most will result in more Latinos and other borrowers of color reaping the economic benefits of a college degree.^{xxv}

Despite nearly half of Latinos receiving the Pell grant, they rely on filling the college affordability gap with loans. While Latino borrowers tend to borrow less on average compared to White borrowers, they are still prevented from wealth-building opportunities like owning a home, saving for retirement, or starting a business.^{xxvi}

Twelve years after starting college, 36% of Latino borrowers owed more than they originally borrowed. And for reasons related to student loan servicing, earnings, and degree completion, Latinos face higher delinquency and default rates compared to their white peers. In our poll, 42% of respondents reported defaulting on their student loans at least once, and 56% reported going into forbearance at least once. The consequences of defaulting on student loans result in damaged borrowers' credit scores, wages garnished, and tax refunds seized—all critical components impacting Latino's long-term financial security and wealth-building opportunities.^{xxvii}

UNIDOS also described that higher education remains out of reach for many Latino students who must forgo or postpone their educational plans due to financial reasons. According to UNIDOS, “reversing these enrollment dips and decisions by students and families caused by the COVID-19 pandemic is imperative for the nation's economic recovery and future workforce, as Latinos are projected to make up one in five workers by 2030.”^{xxviii}

1000 Women Strong, a national constituency that mobilizes and organizes at the intersection of issues that impact Black women, raised similar concerns on how the burden of student loan debt weighs more heavily on their community writing:

Black women shoulder a disproportionate amount of student debt across borrowers, carrying the highest amount of student loan debt of any racial or ethnic group... Lifting this burden would help our communities build generational wealth, bolster the economic strength of our country, and live a life of dignity...It would help put food on the table, pay rent, buy a home. It would keep parents in the workforce by helping pay for childcare or elder care. It would allow us to have a stake in the communities we call home.^{xxxix}

Further, 1000 Women Strong described that, “Black women in particular hold 47% more student debt than white men and 27% more than white women. In addition, 57% of Black women report experiencing financial difficulties because of their student loans.”^{xxx} Black women graduate with \$11,000 more in debt compared to white men, and Black women face a more challenging labor market after graduation.^{xxxi}

The cost of both four-year public and four-year private college has skyrocketed, nearly tripling in total cost since 1980, even after accounting for inflation.^{xxxii} However, federal support for higher education has not kept up: Pell Grants, which support undergraduate students who display exceptional financial need, once covered nearly 80 percent of the cost of a four-year public college degree for students from working families, but now only cover a third.^{xxxiii}

C. Legal challenges to President Biden’s student debt cancellation plan are causing financial anxiety for vulnerable borrowers.

Out-of-touch efforts to block student debt relief by Republican officials and extremist courts have caused significant financial uncertainty and anxiety for millions of borrowers who cannot set their family’s monthly budgets or save for their futures without a clear picture of their student debt commitments. On November 22, 2022, Secretary of Education Miguel Cardona stated, “we’re extending the payment pause because it would be deeply unfair to ask borrowers to pay a debt that they wouldn’t have to pay, were it not for the baseless lawsuits brought by Republican officials and special interests.”^{xxxiv} Payments are scheduled to resume either 60 days after the Supreme Court resolves the litigation or on June 30, 2023, whichever is earlier.^{xxxv}

The Debt Collective, a debtors’ union committed to defending millions of households, shared the stories of their members experiencing financial hardship in their response:

“Upon hearing that this process is currently on hold left me in a deep state of depression. I felt as though I saw a possible ray of hope. My debt to income ratio would change, the stress of the amount I owe would be lessened by \$20K since I was a Pell Grant recipient and that would lower my federal loan total from \$50K to \$30K. Still wouldn't be debt free, but at least one step closer. This was the first bout of hope I've had in this stress inducing story I've found myself trapped in since 2008. For once, I could finally imagine myself owning a home one day and for this debt to possibly get paid off at some point in my life.”^{xxxvi}

“Honestly, I can't even imagine the depth of despair I would feel if [the Supreme Court blocks President Biden's cancellation program]. I'm putting all of my hope into this process finally getting approval. I haven't allowed myself to imagine another scenario because I may not continue even trying to exist everyday if that happens. This debt follows me daily. It has destroyed the relationship I have with my mother, has stopped me from ever having my own family, has created strife in my marriage, has caused me to doubt myself, my decisions, my career, my ability to choose what's right for me. My mental health has been affected in indescribable ways that show up in the big and small things I do on a daily basis. The trauma is real.”^{xxxvii}

The student loan debt crisis is not only felt by young borrowers. By the end of 2020, borrowers 50 and older owed about 22 percent of the total student loan debt, representing a five-time increase since 2004.^{xxxviii} The Debt Collective shared the story of a teacher in their sixties struggling with student loans and unable to plan for retirement in the wake of the Republican lawsuits against cancellation:

My anxiety has been so much higher since the legal challenge happened. I'm a 64 year-old teacher who is just making ends meet. The thought of having the loan payments starting again in general and without cancellation terrifies me. It means I might have to take a second job or use my 401K retirement money to pay for the loans. I [cannot] plan for retirement.^{xxxix}

The National Consumer Law Center also articulated how student debt burdens impact older borrowers, writing: “older borrowers rely entirely on their Social Security payments for income, and, for the majority, the seizure from their Social Security payments either pushed them below the poverty level or further reduced payments that were already below the poverty level.”^{xl}

The Student Debt Crisis Center (SDCC), a non-profit organization focused on sharing how the student debt crisis impacts individual borrowers, shared how student debt cancellation is much more than just family finances. Without relief, Americans will struggle to afford basic needs. SDCC stressed that the legal challenges at the court will compound the personal crises that many borrowers face, including the 42 percent of borrowers who face higher levels of anxiety, depression, or stress, the 17 percent of borrowers who are unable to afford healthcare or medicine, and the 17 percent of borrowers who experienced food insecurity due to their student loan debt.^{xli} SDCC shared the stories of borrowers facing these concerns:

“I am a first-generation college graduate and law school graduate. I come from a lower-middle-class family who struggled to get by. Things became even more stressful when my parents divorced. I worked throughout college and law school to help pay for my schooling.”^{xlii} - Sadie, Michigan

“I've been paying my loans for 20 years but then got ill. I try to pay more than the minimum but it still mostly goes to interest. I haven't been able to work full-time in a few years but still paying my loans. Just started treatment that isn't covered by insurance. The

loan forgiveness will be life-changing for me. Although at the same time we get the forgiveness, I got an \$11,000 medical bill. But forgiveness means that I can continue my treatment and hopefully get back to working full-time.”^{xliii} – Kaidrea, Illinois

“I am a working single mother of an adult son with special needs. I solely support my son and myself. I have worked through the pandemic taking a cut in pay and hours. Here we are years later and my pay nor benefits have improved.” - Cheri, Missouri

“Every single day is a struggle since Covid and my wife's cancer diagnosis. We are barely able to keep up with her medicine, housing, kids' needs, and bills. Those demands have forced us to provide in every way we can. I work 2 jobs, looking for a 3rd, as is just to try to stay afloat.”^{xliv} - Latrina, Ohio

“I am a U.S. Marine Corps veteran who tried to do his best and send his two sons to college and accumulated a 6-figure debt with federal student loans. I am near retirement by age, but I don't think I'll ever be able to retire.”^{xlv} - Michael, Massachusetts

SDCC also shared the story of Cristina from New Jersey, a Native American woman who has overcome housing crises and COVID as small business owner on top of being a caretaker for an aging parent, who shared that “managing these loans is a burden that is hard to imagine getting out from under.”^{xlvi}

The NAACP shared the story of Ms. Sabens, a registered nurse who has not been able to hold a full-time job since May 2021 due to symptoms of long COVID, depression, and anxiety:

Ms. Sabens was current on her student loan payments before the pandemic. The lasting effects of the COVID-19 virus, however, hinder Ms. Sabens’s ability to resume full payments. She fears that she will not be able to pay it off; and her debt itself contributes to her anxiety—leading her down dark paths and occasionally to suicidal thoughts. “Everything went to hell after COVID,” she says.^{xlvii}

Student debt cancellation will help increase the wealth and economic security of millions of Americans who need it the most.^{xlviii} Importantly, Black borrowers will disproportionately benefit from the wealth increase that cancellation delivers as Black students have a greater likelihood of assuming and accumulating more debt to attend college compared to their white counterparts.^{xlix} Cancelling student loan debt will also help narrow the wealth gap by giving Americans of color greater ability to pursue other financial goals, like buying a home, saving for retirement, and paying off credit card debt.¹

D. Denying student debt cancellation would cause financial disaster for millions of Americans.

The Department of Education has stated that it expects a “historically large” increase in loan delinquency and defaults due to the COVID-19 pandemic, and that cancellation is intended to help avoid that severe financial harm to borrowers by wiping out the balances of many defaulted borrowers.^{li} If, however, the Supreme Court blocks student debt relief, it could lead to

millions of Americans – particularly borrowers of color^{lii} – defaulting on their student loans following the end of the payment pause. These borrowers would be at risk of having their wages and Social Security benefits garnished and their credit scores damaged.^{liii}

According to a recent poll, two-thirds of adults with federal student loans say they have struggled to afford their student loan payments, and nearly 60 percent say they may not be able to afford their loan payments when the payment pause ends.^{liv} The Federal Reserve Bank of New York found that “lower-income, less educated, non-white, female and middle-aged borrowers will struggle more in making minimum payments” when the payment pause ends.^{lv} A nationwide survey conducted by the SDCC in November 2022 found that two-thirds of respondents had not recovered from the financial harms of the pandemic.^{lvi}

In their response to Senator Warren’s information request, the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) shared how misguided attempts to delay the President’s cancellation plan has negatively impacted the blue-collar and white-collar workers alike who stand to benefit from student debt cancellation. The UAW shared various stories from their members:

“The impact on my family would be huge. These payments would take place over the next several decades. I'm 24 years old right now. The time between now and when my loans will be paid off (should debt relief not go through) would cover the rest of my 20s, all of my 30s and into my 40s. So much life happens in that time. 10 thousand dollars of relief is not enough in my opinion, but it would move the timeline on me paying it off up by several years. Those are years I can be investing in my future and setting myself up to start my family. Any court decision opposed to the debt relief will affect how the rest of my life unfolds. I hope that the Supreme Court does what is right.”^{lvii} – Elias, California

“When I first heard of the student forgiveness program, I immediately thought of how much I could support my future plans for retirement if it materialized. Coming from an immigrant household normalizing 60+ hour work weeks, I hope to set myself up for a retirement. This is a big goal, but I am concerned that carrying student loan debt stands in way of that. I live paycheck to paycheck. I am currently faced with investing multiple thousands of dollars into a rundown, relatively unsafe car or purchasing another vehicle. I’m reluctant to pursue a potential neurodiverse diagnosis because I consistently hear it’s very expensive to get diagnosed and the possible financial hardship to maintain medication. A decision to deny student loan relief would mean that the possibility of my future as a homeowner or retire evaporate and I’m going to continue the cycle of working until I die as a renter living paycheck to paycheck. A decision to deny student loan relief means that I remain uncertain if medication could improve my ability to follow my scholarly interests in research.”^{lviii} – Diana, California

“My current student debt is nearly \$65,000 and my husband has around \$20,000. Under Biden's student debt forgiveness, my husband and I would have approximately \$600 a month less in student loan payments that could be spent on other expenses. My student loan payments alone are over \$1,000 a month. We were very excited when we heard of President Biden's plan to forgive student debt. We are hoping to start having children and

the extra money a month would help us plan for children and allow us to build our savings. The courts challenges to the student loan debt cancellation plan makes it hard for us to plan for our future. We may have to delay having children by several years if we do not receive the student debt cancellation. We are putting off certain big purchases (buying a vehicle, house repairs, and travel) until we know what may happen. It would be extremely devastating if the decision to deny student loan relief is upheld. My husband and I are both college graduates and have around \$1,500 a month in student loan payments alone. Having any support would allow us to build a savings fund so we are prepared for any emergencies in the future and pay off other forms of debt. We really want to start having children, but we are not sure if we are in a financial position to do so if we do not get student loan relief.”^{lix} – Mikayla, Massachusetts

“I am the first member of my family to enroll in graduate school, and currently enrolled in the doctoral program for public health (Sc.D.) at the University of Massachusetts Lowell. I’m working on my second academic year contract and making just enough money to pay for my commute and live paycheck to paycheck. The assistance I receive pays my tuition, but the student loans I hold from my associates, bachelors, and masters is substantial. I cannot even qualify for an auto loan at my credit union because of my debt-to-income ratio. If student loan forgiveness became a reality, I would be able to get off Medicaid, apply for an auto loan and not stress about whether I can actually make it to work safely or afford rent and groceries. If President Biden’s student relief plan is held up in the courts, I would likely need to drop out of school.”^{lx} – Bryan, Massachusetts

“I am 61 years old and owe \$38,192.65 in student loan debt. I originally started with \$107,000 and have been paying since 1994. I am now retired with a \$38,040 pension and social security. My wife owes \$28,000 in student loan debt. It is overwhelming to think about how much combined student loan debt 2 our household carries. We have had to make sacrifices and make tough choices to get ahead of the debt. We moved from Florida to Michigan because I didn’t make enough money to afford a house and pay off student loans.” – Frank, Michigan

“President Biden’s student debt relief plan would mean utter and total financial freedom. It would mean my husband and I - both in our 30s - could even BEGIN considering expanding our family, owning a car or property, etc. We both have professional careers that required schooling, and the schooling has not improved our quality of life much considering the eventual doom of loan payments. The court’s decision to prevent student loan debt relief from moving forward impacts my financial well-being. I have no car, limited travel, still renting with no end in sight in our mid-30s. All choices are forcibly made to make sure we can pay rent and eat. It would quite literally provide a new lease on life.” – Chris, New York

SDCC also shared the story of Patrick from California who expressed how essential cancellation is in the current financial environment saying, “In our current world, even though my education has afforded me to have a stable career, my impending student loan payments, and our current economic crisis, I am struggling due to rising food costs, rent costs, gas prices, etc. Even in a two-income household, it is a struggle. If my loan payments restart, we would be

struggling even further. Income-based repayments don't help because they don't take into account rent, food, and having to raise a family.”^{lxi}

If Republican officials and extremist judges get their way, millions of Americans' monthly costs will rise significantly when student loan payments resume.^{lxii} Reducing debt burdens through cancellation to avoid a pandemic-fueled wave of defaults and delinquencies, which is fully within the scope of the Biden Administration's authority, should not be denied by the Supreme Court.

E. Student loan cancellation is the necessary first step to repair the broken higher education system.

Student loans were supposed to help lower- and middle-income Americans affordably finance part of their college costs, but as the cost of higher education has grown, the student loan debt portfolio has ballooned into a crisis of defaults and financial hardship for many borrowers and their families.^{lxiii} The Debt Collective described these concerns: “Every year tuition increases and every new graduating class is forced into even more debt for an education. Millions who want an education are priced out entirely. Society loses out on thousands of would-be teachers, social-workers, public-defense attorneys, rural dentists; the wages of these professions don't sustain the price of the degree they require.”^{lxiv}

President Biden's historic cancellation plan would help ease the \$1.7 trillion loan burden by eliminating debt for 20 million people and significantly reducing balances for tens of millions more.^{lxv} This will make the massive student debt portfolio more manageable – a critical first step to fixing the student loan system.

The Revolving Door Project stated in their response, “Student debt cancellation is the archetypal example of the kind of bold action we want every cabinet department and federal agency to pursue: using their legal, longstanding powers to solve today's problems.”^{lxvi} Biden's cancellation plan, along with reforms to improve the IDR [Income-Driven Repayment] program and strengthen efforts to hold colleges accountable for price increases, will fundamentally restructure the broken higher education payment system and create a stronger, more equitable, and more generous repayment process for both current and future student borrowers.

In its response, UNIDOS encouraged the federal government to build on the transformational impact of President Biden's student debt relief plan by reforming the repayment system for those who would still have loans to pay after cancellation: “The federal government should also continue to make the student loan system more manageable for student borrowers by simplifying repayment options and making borrowers' progress toward forgiveness more efficient.”^{lxvii}

Young Invincibles also identified cancellation as an opportunity to clear the slate and rebuild a more equitable and affordable higher education system: “We must move now to fix our broken higher education system to prevent such a crisis from developing again. Congress should work quickly to implement reforms to improve higher education affordability...in addition to fixing the current student loan repayment plans so that borrowers are not penalized for

encountering financial hardships and are not paying back loans at an amount beyond what they can afford.”^{lxviii}

The Biden Administration has already taken steps to overhaul the student loan system for borrowers going forward. On January 10, 2023, the Department proposed new regulations that would transform the IDR program.^{lxix} The proposed rules would “create the most affordable [IDR] plan that has ever been made available to student loan borrowers, simplify the program, and eliminate common pitfalls that have historically delayed borrowers’ progress toward forgiveness.”^{lxx} The Department also announced it would reinvigorate efforts to hold colleges accountable for raising costs and saddling students with debt they will not be able to repay, including by identifying programs that provide the least financial value to students.^{lxxi}

At the core of the President’s decision to cancel student debt is the belief that no person should have to shoulder unbearable debt to access higher education. Too many Americans have tried to advance their educations in the midst of an affordability crisis caused by runaway college costs, state disinvestments in higher education, and insufficient federal support for students,^{lxxii} while a corrupt loan repayment system has kept them stuck in debt.^{lxxiii} Cancellation would ease financial strain for millions of borrowers, help fix the broken student loan system, and restore trust in the institutions of government and their ability to deliver on their commitments. That’s why President Biden’s cancellation plan is popular with Americans: public opinion polls have consistently shown that a majority of Americans favor President Biden’s plan.^{lxxiv} SDCC’s November 2022 survey found 67 percent of respondents’ support President Biden’s plan.^{lxxv}

IV. Conclusion:

Republican officials and extremist judges with spurious challenges to President Biden’s debt cancellation plan threaten to increase the burdens faced by everyday Americans struggling with student loan debt. Higher education should offer everyone the chance at financial and economic mobility. Unfortunately, as described by the stories shared in this report, the financial burden of receiving a higher education has left millions of Americans crushed by student debt.

The responses shared in this report reflect a pivotal moment for student loan borrowers. If the Supreme Court upholds a decision to block President Biden’s plan to cancel debt using his statutory authority, tens of millions of borrowers will be left in a financially disastrous situation.

Ultimately, the Debt Collective’s summary of the issue describes the urgency of cancellation perfectly:

Student debt cancellation is the difference between being able to afford to eat or going without. It’s the difference between being able to make rent or facing eviction. It’s the difference between being able to spend time with children and loved ones or being forced to take a second or third job. It’s the difference between rationing medicine or going without, and between having the possibility of an economically secure old age or a lifetime of poverty.^{lxxvi}

Over 40 million borrowers have their financial futures at stake as the Supreme Court hears the debt relief case, and the ones carrying the heaviest burden are those from low-income backgrounds, Black and Latino borrowers, and public service workers like teachers and nurses. If the Supreme Court upholds the spurious challenges to President Biden's cancellation plan, millions of Americans will remain crushed by student debt.

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