

September 17, 2025

Linda McMahon
Secretary, U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Re: Docket ID ED-2025-OPE-0016

Dear Secretary McMahon,

We, the undersigned [number] organizations representing millions of students, borrowers, healthcare workers, government workers, educators, people of color, veterans, women, people with disabilities, and consumers crushed under the weight of student loan debt, write in opposition to the Department of Education's (ED) Notice of Proposed Rulemaking (NPRM) published to the Federal Register on Monday, August 18th that would make unlawful changes to the Public Service Loan Forgiveness (PSLF) program.

The proposed rule would grant the Secretary authority to revoke PSLF eligibility from a public service employer if the Secretary determines that the employer has engaged in activities with a "substantial illegal purpose," a novel legal concept this Administration is clearly using as a proxy for protected activity with which it ideologically disagrees, such as work advancing immigrants' rights, transgender persons' rights, racial equity and inclusion, and peaceful demonstrations. This is blatantly unconstitutional, illegal, and harmful to millions of borrowers across the country, including those working to support historically marginalized communities. The proposed rule would also impose a chilling effect on workers entering public service fields, which could deter those with postsecondary education from seeking employment with non-profit organizations, state and local governments, hospitals, and employers working on the frontlines addressing our nation's most critical challenges.

We urge the Department to withdraw this NPRM, which is a clear effort to intimidate and punish state and local governments and 501(c)(3) non-profit organizations that refuse to support the Trump Administration's political agenda.

The Trump Administration's Proposal to Weaponize the PSLF Program is Illegal.

This proposed rule is a clear, unlawful attempt to weaponize the PSLF program in an effort to intimidate and punish governments and 501(c)(3) non-profit organizations whose work does not fall in line with the Trump Administration's political agenda, such as organizations working to support immigrant communities, provide gender-affirming healthcare to minors, promote diversity and inclusion, engage in peaceful protest, and more. It both conflicts with the PSLF program as authorized in the Higher Education Act and violates the U.S. Constitution.

When Congress created the PSLF program through the College Cost Reduction and Access Act of 2007, it defined PSLF-eligible employers as including any kind of employment for any government or any 501(c)(3) non-profit organization. *See* 20 U.S.C. § 1087e(m)(3)(B)(i). However, ED's proposed rule seeks to usurp the plain letter of the law and Congress's authority to determine what constitutes a PSLF-qualifying employer. The proposed rule would grant the Secretary of Education authority to

disqualify statutorily eligible employers—government and 501(c)(3) non-profit alike—based on whether the employer supports the Trump Administration’s agenda. Congress has never given the Secretary the authority to exclude *any* government and 501(c)(3) non-profit organizations from PSLF for *any* reason, including the ideological reasons in the proposed rule. ED is seeking to unlawfully stretch the bounds of its authority and violate the plain text of the nearly twenty-year old PSLF statute.

The proposed rule is also unconstitutional. The criteria for activity with a “substantial illegal purpose” are a clear attempt to target certain groups performing work deemed anathema to the Trump Administration’s political priorities. This language is [borrowed](#) from the Internal Revenue Service (IRS) and its process for assessing organizational tax obligations. ED does not possess the expertise or authority to make determinations of tax status separate from IRS, nor does it possess the expertise or authority to assess compliance with criminal codes. This proposed rule would also allow the Secretary of Education to be the judge and jury in declaring an organization has engaged in actions with a “substantial illegal purpose,” clearly undercutting due process rights. Ideologically targeting protected conduct is a clear violation of the First Amendment freedoms of speech and association, and is a blatant attack on civil liberties and individual rights.

The Proposed Rule Threatens Undeniable Harm to Hundreds of Thousands of Borrowers and Employers.

The Trump Administration’s proposed rule would harm public service workers, employers, and the communities that rely on them. The PSLF program helps millions of people, including nurses, educators, military service members, firefighters and other first responders, social workers, and legal aid attorneys, pursue careers in the public interest, knowing full well that they otherwise could not afford these occupations while burdened by crushing student debt. The proposed rule would have a chilling effect on employers’ ability to recruit and retain qualified staff working in critical fields and with rural and other marginalized communities, including Black, Brown and Indigenous communities all over the country. Even worse, just the threat of crossing this administration and being dubbed ineligible will likely chill thousands of non-profit organizations and government agencies from engaging in mission-critical work to respond to the greatest needs of their communities. Wielding the federal government’s role as a source of financial aid—a critical tool that allows students from all backgrounds to access postsecondary education—is a gross abuse of power. Weaponizing the PSLF program to advance this administration’s ideological goals—many of which conflict with existing state and federal law—is anti-democratic and unlawful.

We urge you to immediately withdraw this blatantly illegal Notice of Proposed Rulemaking altogether and implement the Public Service Loan Forgiveness program as Congress intended. Millions of workers undertook their careers with the understanding that student loan forgiveness was promised by Congress in statute in exchange for their work in public service fields. These workers and the communities they serve deserve better than to be treated as pawns in this administration’s campaign to chill and silence speech.

Sincerely,

Student Borrower Protection Center
XXXX

XXXX