



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

The Honorable Robert C. "Bobby" Scott, Chairman
Committee on Education and the Workforce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Scott:

Thank you for your letter of October 28, 2019 to Secretary DeVos. She has shared your letter with me, and I am pleased to respond on her behalf.

I write to commence the constitutionally mandated accommodation process between the Committee and the Department of Education. See, e.g., *United States v. AT&T*, 567 F.2d 121, 127, 130 (D.C. Cir. 1977); *Comm. on Oversight & Gov't Reform v. Lynch*, 156 F. Supp. 3d 101 (D.D.C. 2016). You have asked for the Secretary to appear before the Committee on November 19 to discuss the status of outstanding borrower defense claims from Corinthian College students. However, the boundaries of the Department's authority to adjudicate the Corinthian College claims are currently the subject of active litigation. See, e.g., *Calvillo Manriquez et al. v. DeVos*, Appeal No. 18-16375 (9th Cir.). Only after the Ninth Circuit renders a final decision on the merits will there be both a path forward for the Department to take and a basis for oversight serving a legitimate legislative purpose.

In the interim, and in keeping with our implicit constitutional mandate to work and pursue comity with Congress, we propose as a first step conducting a special briefing for you and for the Ranking Member with Major General (USAF-ret.) Mark Brown, Chief Operating Officer of Federal Student Aid (FSA), regarding the actual state of affairs including remedial action with respect to both the Corinthian College loans and the active litigation. We believe this briefing, which can be conducted at any mutually convenient time, will address and resolve many of your concerns.

Please feel free to contact Jordan Harding, Office of Legislation and Congressional Affairs, at 202-401-0200 if you have any questions.

Sincerely,

Reed D. Rubinstein
Principal Deputy General Counsel delegated
the authority and duties of the General Counsel

Cc: The Honorable Virginia Foxx, Ranking Member
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