



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE GENERAL COUNSEL

September 5, 2024

The Honorable Virginia Foxx  
Chairwoman  
Committee on Education and the Workforce  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairwoman Foxx:

We are aware that on or after Thursday, August 29, 2024, the Committee on Education and the Workforce sent a letter and accompanying subpoena regarding the notice of proposed rulemaking for Student Debt Relief for the William D. Ford Federal Direct Loan Program (Direct Loans), the Federal Family Education Loan (FFEL) Program, the Federal Perkins Loan (Perkins) Program, and the Health Education Assistance Loan (HEAL) Program (89 Fed. Reg. 27564, Apr. 17, 2024) to Unified Servicing and Data Solution (USDS) contractors, which are entities retained by the U.S. Department of Education (Department) to help manage the student loan portfolio. The letter accompanying the subpoena gave the contractors only four business days to respond to the subpoena's 11 requests. It is also our understanding that, in another departure from appropriate practice and contrary to the Committee's August 14, 2024, letter to the Department, the subpoena was not preceded by a letter request to these contractors.

The Department has notified these contractors of their obligation to ensure that the process for responding to the subpoenas must be consistent with the USDS contract (see [SAM.gov](https://www.sam.gov)) and any other applicable law. Among other applicable requirements, the USDS contract provides that any response to this subpoena must receive prior approval from the Department's contracting officer (or his or her designee). This requirement applies to "all requests received from external parties (e.g., advocacy, government, media, etc.) regarding information related to the U.S. Department of Education's programs, products, services, operations or customers." (USDS Requirement 17007.040, see enclosed.)

Consistent with the Department's commitment to provide Congress with the information it needs, we will work with the contractors, and you directly, to expedite responses to the subpoenas. Some responses may be delivered beyond the requested September 5, 2024, return date due to, among other things, the relevant contractual obligations, the lack of adequate notice, the breadth of the requests, and the unreasonably short timeframe. Our Office of Legislation and Congressional Affairs (OLCA) will be in contact with you to further discuss the pending responses.

If you need further assistance or have additional questions, please have your staff contact OLCA at (202) 401-0020.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Brown".

Lisa Brown  
General Counsel

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