



May 23, 2018

Honorable Virginia Foxx
Chairwoman
House Education and the Workforce Committee
2176 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman Foxx:

AccessLex Institute writes to reiterate our opposition to several provisions contained within H.R. 4508, the Promoting Real Opportunity, Success, and Prosperity through Education Reform (PROSPER) Act. As currently drafted, the bill represents a meaningful retreat by the federal government of its support and commitment to students pursuing graduate and professional education—at a time when advanced education and training is becoming even more essential to our country's future.

AccessLex Institute urges the committee to modify the bill in a manner that better ensures access to advanced education, particularly for historically underrepresented minorities and economically disadvantaged students, and better supports affordability for those graduate and professional students who perform public service.

In communities across this country, but especially in rural localities, Americans struggle to afford adequate legal representation, creating a bifurcated society in which your ability to afford a lawyer can dictate whether your case is fairly adjudicated, or if it is heard at all. In a nation committed to the rule of law, it is vital that our citizens have access to an attorney who will zealously represent their interests and ensure equal access to justice. For this to happen, the legal profession must be accessible to sufficient numbers of students to meet the need that exists. One way to increase accessibility is to make law school more affordable for more students.

The proposed annual limit of \$28,500 would force the vast majority of students pursuing a Juris Doctor into the private credit market to finance a legal education. In today's tight private credit environment, this means that thousands of Americans will be effectively cut off from pursuing a legal education. And there is no question that those unable to afford law school will not be those who attend elite colleges and come from privileged backgrounds—it will be the very people that the Higher Education Act was enacted to help. This will have a detrimental effect on not just individual students, but society as a whole.

Eliminating the Public Service Loan Forgiveness (PSLF) program, which encourages graduates to enter and persist in critical, underserved sectors, would worsen existing gaps in access to vital public services and the quality of delivery of such services. As the Department of Defense noted in its memo opposing

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the elimination of PSLF in PROSPER, the program is a valuable recruitment tool and is recognized as a critical way to get highly qualified individuals to work to advance America's interests. Moreover, eliminating PSLF would negatively affect more than just military personnel or those enforcing the rule of law, like prosecutors or magistrates; it would discourage individuals from entering critical fields such as firefighting, nursing and teaching due to overwhelming student debt.

And while AccessLex Institute agrees that income-driven repayment plans should be simplified, the proposed bill would eliminate a provision that allows borrowers to have part of their debt forgiven after making payments for 20 or 25 years, ensuring for many financially challenged, and even insolvent borrowers, a literal lifetime of debt given that student loans are rarely discharged in bankruptcy proceedings.

We encourage a reauthorization of the Higher Education Act that updates programs and policy to improve access. But the measures in the PROSPER Act, as drafted, will frustrate access for many Americans, including those traditionally underrepresented in law school and other graduate and professional programs. We stand ready and look forward to working with Congress to recommend improvements to the bill that will advance its policy goals while furthering the promise of access and affordability that is central to the Higher Education Act.

Thank you for your time and attention to this matter. If you have any questions, please do not hesitate to contact me or Nancy Conneely, Director of Policy, at nconneely@accesslex.org.

Sincerely,



Christopher P. Chapman
President and Chief Executive Officer

About AccessLex Institute:

AccessLex Institute, in partnership with its nearly 200 nonprofit and state-affiliated ABA-approved member law schools, has been committed to improving access to legal education and to maximizing the affordability and value of a law degree since 1983. The AccessLex Center for Legal Education Excellence® advocates for policies that make legal education work better for students and society alike, and conducts research on the most critical issues facing legal education today. The AccessLex Center for Education and Financial Capability® offers free financial education programming and resources to help students confidently manage their finances on the way to achieving personal and professional success.