



Written by [David Kelly](#) on November 11, 2022

Biden's Student Loan Debt Relief Plan Declared "Unlawful"

U.S. District Judge Mark Pittman in Texas ruled Thursday that "President Joe Biden's plan to cancel hundreds of billions of dollars in student loan debt was unlawful and must be vacated, delivering a victory to conservative opponents of the program," [according to Reuters](#).

Calling the program an "unconstitutional exercise of Congress's legislative power," [Pittman wrote](#) that "in this country, we are not ruled by an all-powerful executive with a pen and a phone. Instead, we are ruled by a Constitution that provides for three distinct and independent branches of government."



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The plaintiffs in the case, Myra Brown and Alexander Taylor, [claimed](#) they were injured by the government's student debt relief program because the Department of Education did not seek public comment on the policy, which deprived them and other stakeholders of the chance to weigh in and resulted in a program that arbitrarily benefited some and not others, like themselves.

Brown [reportedly](#) "has more than \$17,000 in federal student debt that's held by a private lender, a category of student loans that at least for now is ineligible for relief." Taylor "has more than \$35,000 in federal student debt that qualifies for cancellation," but did not "receive a Pell grant and so is only eligible for \$10,000 in relief."

Their suit was supported by Job Creators Network Foundation (JCNF), a nonprofit economic freedom advocacy group. Elaine Parker, the foundation's president, released the following [statement](#):

The court has correctly ruled in favor of our motion and deemed the Biden student loan program illegal. The judge criticized the Biden Administration program, calling it 'one of the largest exercises of legislative power without congressional authority in the history of the United States.' This ruling protects the rule of law which requires all Americans to have their voices heard by their federal government. This attempted illegal student loan bailout would have done nothing to address the root cause of unaffordable tuition: greedy and bloated colleges that raise tuition far more than inflation year after year while sitting on \$700 billion in endowments. We hope that the court's decision today will lay the groundwork for real solutions to the student loan crisis.

The Justice Department immediately filed for an appeal to the ruling, with White House Press Secretary Karine Jean-Pierre [saying](#), "The President and this Administration are determined to help working and middle-class Americans get back on their feet, while our opponents - backed by extreme Republican special interests - sued to block millions of Americans from getting much-needed relief."

Jean-Pierre shared that 26 million borrowers have already given the Department of Education (DOE) the



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necessary information to be considered for debt relief, 16 million of whom have already been approved. The DOE will hold on to other applicants' information so they can "quickly process their relief once we prevail in court."

Biden first announced the plan in August, with the [goal of providing](#) "up to \$20,000 in debt relief to Pell Grant recipients with loans held by the Department of Education and up to \$10,000 in debt relief to non-Pell Grant recipients." To be eligible for this relief, income must be less than \$125,000 for individuals or \$250,000 for households.

Reuters found that the Congressional Budget Office "calculated the debt forgiveness would eliminate about \$430 billion of the \$1.6 trillion in outstanding student debt and that over 40 million people were eligible to benefit."

Judge Pittman noted that the program was "one of the largest exercises of legislative power without congressional authority in the history of the United States."

The Student Debt Relief Plan was issued under the [HEROES Act of 2003](#), which supposedly gives the administration sweeping authority to reduce or eliminate student debt during a national emergency, in this case Covid. However, after interpreting the HEROES Act, Pittman concluded, "the Court holds that it does not provide 'clear congressional authorization' for the Program proposed by the Secretary."

Eight states had [previously filed suit](#) to block the plan's implementation, and it will probably take some time until that decision is issued.

Considering both cases, it is clear that Biden and his administration will have an uphill battle to prove their plan constitutional.

Judge Pittman made sure that the DOE knew where they stood, as he quoted from *The Federalist*, No. 47, on the three distinct and independent branches of government. He wrote, "As President James Madison warned, "[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."



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