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March 2, 2026

Tamy Abernathy
Director, Office of Postsecondary Education
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

RE: Document ID ED-2025-OPE-0944-0001

Dear Tracey St. Pierre,

On behalf of the Lawyers' Committee for Civil Rights Under Law, I submit this comment in response to the U.S. Department of Education's Office of Postsecondary Education's proposed rulemaking focused on the implementation of statutory changes to Title IV, Higher Education Act programs included in the One Big Beautiful Bill Act (OBBBA). We write to convey our deep concern regarding the proposed statutory changes and to urge the Administration to implement comprehensive safeguards to prevent and mitigate likely harm. These safeguards are critical to ensuring that Black people, other people of color, and low-income individuals, who are disproportionately impacted by these provisions, are protected in ways that minimize the impact on their communities.

The Lawyers' Committee for Civil Rights Under Law is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to mobilize the nation's leading lawyers as agents for change in the Civil Rights Movement. Today, the Lawyers' Committee uses legal advocacy to achieve racial justice, fighting inside and outside the courts to ensure that Black people and other people of color have the voice, opportunity, and power to make the promises of our democracy real. The Lawyers' Committee implements its mission and objectives by marshaling the pro bono resources of the bar for litigation, public policy, advocacy and other forms of service by lawyers to the cause of civil rights. The Lawyers' Committee strives to guarantee that all students receive equal educational opportunities in public schools and institutions of higher learning. Given the rapidly changing economy and persistent racial inequality, it is particularly important today for the Lawyers' Committee to advocate for policies that make the promise of education a reality while reducing burdens on historically excluded communities.

The proposed statutory changes simultaneously risk exacerbating existing barriers while erecting new barriers to higher education, reversing decades of progress that expanded educational access. Our country has benefited from having talented students of all socio-economic backgrounds attend college and graduate school. The contributions of students and graduates, including those whose parents are unable to finance their higher education, have contributed many times over to our economy and fueled the innovation that is unique to the United States. In return, higher education has operated as a primary pathway to upward mobility for all students, but

particularly for Black students, other students of color, and low-income students. The new statutory provisions threaten to weaken the contributions of students and graduates by raising barriers to higher education and diminishing the economic prospects of Black students, other students of color, and low-income students.

We previously submitted comments during the initial comment period on August 25, 2025. Since then, the Department of Education has convened negotiated rulemaking and reached consensus on changes that include capping loans for graduate students, phasing out the Graduate PLUS Program, and putting forth a restrictive definition for the professional classification of degree programs. The revised proposal still fails to address how the Department will safeguard the ability of Black students, other students of color, and low-income students to access higher education, graduate with manageable debt, and fully participate in and contribute to the U.S. economy. We urge the Department to reconsider implementing caps and eliminating critical financing options for prospective graduate students; to expand its definition of professional degree programs so it reflects the full range of workforce pathways, and to carefully structure the new repayment plan to ensure affordability.

Capping Graduate Education Loans and Eliminating Grad PLUS Harms Students and HBCUs

The OBBBA initiates a new cap on graduate borrowing and eliminates Grad PLUS loans, reworking the only two federal lending options available to graduate students. Data has shown that Black students, other students of color, and low-income students lack access to the same uncounted assets, *e.g.*, retirement savings or home equity, as their peers. This impacts their ability to pay for college.¹ Black students borrow, on average, \$10,000 more than their White counterparts, while Latino students borrow \$6,000 more. Both groups are also more likely than White students to rely on student loans to finance graduate school.² With less wealth than their white peers, Black students are more likely than other racial groups to borrow for their education.³ The changes to graduate education financing have major education access implications for Black students, other students of color, and low-income students.

HBCUs are similarly more reliant on Grad PLUS loans and have historically been under resourced compared to PWIs.⁴ The elimination of these loans will create a funding gap for proven institutions that are doing more with less federal resources.⁵ In light of the Administration's stated support for HBCUs, it is imperative that safeguards be adopted to mitigate the disproportionate

¹ Phillip Levine et al., *The Racial Wealth Gap, Financial Aid, and College Access*, BROOKINGS (Sept. 27, 2022), <https://www.brookings.edu/articles/the-racial-wealth-gap-financial-aid-and-college-access/>.

² Beth Akers et al., *A Framework for Reforming Federal Graduate Student Aid Policy*, CENTURY FOUND. (Dec. 8, 2023), <https://tcf.org/content/report/a-framework-for-reforming-federal-graduate-student-aid-policy/>.

³ Melanie Hanson, *Student Loan Debt by Race*, EducationData.org, (June 13, 2022), <https://educationdata.org/student-loan-debt-by-race>

⁴ United Negro College Fund, *HBCUs Punching Above Their Weight: A State-Level Analysis of Historically Black College and University Enrollment Data (2019)*, <https://uncf.org/wp-content/uploads/reports/HBCUs-Punching-Above-Their-Weight.pdf>

⁵ Tiara Moultrie, *How HBCUs Have Grown Their Graduate Offerings and Why It Matters*, CENTURY FOUND. (May 16, 2025), <https://tcf.org/content/report/how-hbcus-have-grown-their-graduate-offerings-and-why-it-matters/>.

harm that the elimination of the Grad PLUS loans could cause to these institutions and their students.

We encourage the Department to recommend to Congress the creation of a new grant program dedicated to supporting graduate education pathways for low-income students from households earning at or below 200% of the federal poverty level. Additionally, we urge the Department to explore using existing statutory authorities to pilot similar initiatives. This type of competitive grant could provide an additional funding stream for institutions that have demonstrated success in serving underserved graduate students despite limited resources.

Degree Classifications Will Harm Students by Preventing Access to Advanced Degrees

The program classification distinctions between “graduate degrees” and “professional graduate degrees” will hinder Black students, other students of color, and low-income students by limiting their access to advanced education programs. The clarification is critical, as it will directly impact students’ eligibility for federal funding and may prevent and deter students from pursuing specific graduate degrees.⁶ After July 1, 2026, the new provisions will permit incoming graduate students to borrow up to \$20,500 a school year, capped at \$100,000; professional graduate students will be able to borrow up to \$50,000 a year, capped at \$200,000. The lower borrowing caps will make it harder for low-income students to afford advanced graduate degrees. A standard PhD program could cost a student over \$100,000.⁷ The reduced borrowing caps, coupled with the elimination of Grad PLUS, will effectively bar Black students, other students of color, and low-income students from pursuing PhDs and other advanced graduate degrees. The reduced borrowing caps, coupled with the elimination of Grad PLUS, could make it more difficult for many Black students, other students of color, and low-income students to pursue PhDs and other advanced graduate degrees. While some PhD programs particularly Ivy League and other well-resourced universities offer full funding, these programs represent a small share of graduate opportunities. For most institutions, these changes will likely reduce the availability of PhD and advanced degree programs and constrain funding to support graduate students who may not have the financial backing to pay out of pocket.

The Lawyers’ Committee led a joint comment alongside the National Women’s Law Center, the Legal Defense Fund, and 48 partner organization urging the Department of Education to reject proposed changes to the definition of “professional degrees,” which would determine which post-baccalaureate degrees would count as “professional” to set caps on the amount of loans students can take out. Our comment explains that the Department’s proposed definition would disproportionately impact women, Black people, and low-income people who are the predominant holders of the degrees that would be excluded by the proposed definition. These fields include the degrees of nurses, physician assistants, physical therapists, educators, and social workers. We

⁶ Jessica Blake, Education Dept. Hears From Public About Higher Ed Overhaul, INSIDE HIGHER ED (Aug. 8, 2025), <https://www.insidehighered.com/news/government/student-aid-policy/2025/08/08/education-dept-hears-public-about-higher-ed-overhaul>.

⁷ Chazz Robinson, Q&A: Graduate Education Finance, THIRD WAY (May 8, 2025) <https://www.thirdway.org/blog/q-a-graduate-education-finance>.

encourage the Department to establish a formal pathway for programs seeking to be designated as a professional degree program. Clear, more expansive definitions will enable institutions to understand the federal resources available to students, provide students with more access to federal funds for needed careers, and better prepare them to adjust their support strategies accordingly.

Implementing a New Repayment Plan Structure Can Cause Harm

The OBBBA establishes a single, new income-driven repayment (IDR) plan to replace all existing IDR options, while eliminating IDR eligibility for Parent PLUS loans. These changes come at a time when the Department's staff has been reduced by approximately 50%, raising questions about how the Department will meet its statutory commitments.⁸ There have been early reports of students struggling to get clear and timely assistance about repayment given the lack of staff, which could disrupt repayment and leave more students confused about their options. Research shows that these issues of repayment confusion are most likely to impact Black people, other people of color, and low-income people.⁹ If not implemented with care, these students will remain in limbo by a system meant to protect them. We urge the Department to implement these solutions:

- 1) Address federal student aid (FSA) staffing shortages by returning offices to prior Department staffing levels. Current reports make it clear that staff cuts are already harming students from getting access to information and technical assistance.
- 2) Expand targeted support for students and parents by providing plain-language counseling and clear, accessible guidance on available repayment options.
- 3) Enhance institutional capacity by providing timely and clear guidance to institutions so they can communicate repayment requirements and options to their students.
- 4) Affirm the continued availability of Income-Based Repayment (IBR) to previous borrowers and ensure adequate staffing and operational resources to maintain the effective administration of the Public Service Loan Forgiveness (PSLF) program.
- 5) Provide extensive guidance and individual outreach to the public that clarifies how and if they are required to transition into the Repayment Assistance Plan.

Thank you for the opportunity to provide comments on the proposed amendments for the Federal student loan programs authorized under Title IV of the Higher Education Act. We urge

⁸ Shahr Ziv, Education Department Slashes Staff By Nearly 50%, Massive Impact On Student Loans, FORBES (Mar. 11, 2025), <https://www.forbes.com/sites/shaharziv/2025/03/11/education-department-to-slash-workforce-by-50what-it-means-for-student-loan-borrowers/>

⁹ Sarah Sattelmeyer, Trapped by Default, NEW AM. (July 27, 2022), <https://www.newamerica.org/education-policy/briefs/trapped-by-default/>.



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the adoption of targeted implementation strategies that account for the full experiences of students nationwide, ensuring that every student can fully exercise their right to a quality education. For any questions or for additional information, please contact Chazz Robinson, Education Policy Advisor, at crobinson@lawyerscommittee.org.

Respectfully,

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