

# NATIONAL REVIEW

## Biden Won't Stop Trying to Cancel Student-Loan Debts

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At the end of June, the Supreme Court struck down the president's declaration that billions in student-loan debts were canceled on his order. Undeterred, the administration almost immediately announced a new gambit to do the same thing, this time by having the Education Department count as months of payments toward legislatively established loan forgiveness months when students did in fact not pay because they'd sought "forbearance" from the government.

That new scheme triggered a lawsuit brought by the Mackinac Center and Cato Institute, challenging the legality of the Department's plan. I write about that case in today's [Martin Center article](#).

In my view, Mackinac and Cato have a rock-solid case on the merits. While Congress has authorized several plans whereby student borrowers can have their loan balances forgiven after they'd been paying for a certain number of years, nothing in those laws allows the Department to decide to count as months of payments the months when students didn't pay. This is another of the many attempts by the Biden bureaucrats to write the laws they want. The Constitution says that only Congress has legislative power.

Alas, the federal judge in the case dismissed the complaint. He never addressed the arguments against the legality of the Department's action because he ruled that Mackinac and Cato did not have standing to sue. They didn't show a concrete injury, despite their argument that the change in the law could affect their ability to hire students who seek to take advantage of the Public Service Loan Forgiveness program. The plaintiffs are appealing that adverse decision.

The only way to stop this kind of thing is to take the White House away from the Democrats. But it would also help if the Supreme Court would rethink its "standing" jurisprudence. Especially with a chief executive who's so willing to flout the law for political gains, it's far more important to scrutinize the government's action than to fret about whether a particular plaintiff is the ideal party to challenge it.