



How A GOP House Could Affect the Student Loan Forgiveness Plan

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Republicans are locked in a battle with Democrats for the House majority, raising questions about how lawmakers opposed to the Biden administration's student loan forgiveness plan might attack it if they gain control of the lower chamber

The race for the House remained too close to be called Thursday evening with dozens of races still to be called, though the GOP is favored to win a majority.

The student loan forgiveness program is already under assault in the courts, where at least six lawsuits are floating against the relief. And at least one lawsuit has seen some success, with the U.S. Court of Appeals for the 8th Circuit putting a temporary pause on the forgiveness plan.

GOP lawmakers were quick to oppose the program when it was announced, arguing it wasn't fair to individuals who paid off their student loan debt or taxpayers who never went to college.

"Biden's debt transfer scam will make inflation even worse and does nothing to stop the runaway cost of college for most families," House Minority Leader Kevin McCarthy (R-Calif.) said at the time. "Americans cannot afford Democrats' radical agenda."

In a statement to The Hill, Rep. Virginia Foxx (N.C.), the top Republican on the House Education and Labor Committee, said she expected legal challenges against the program to prevail.

"The Biden administration's \$400 billion wealth transfer is grossly unfair and Republicans will do everything we can to stop this abusive power grab, fix our broken student loan program, and lower the cost of college for students, families, and taxpayers," she said.

But efforts to rein in the program are likely to be difficult for a GOP-led House, as experts say the party's options to try to stop the effort are limited.

In the months leading up to Biden's announcement unveiling the forgiveness program in August, Republicans in both chambers ramped up legislative attacks.

The measures included legislation to keep Biden from canceling federal student debt without congressional buy-in, as well as a bill that would codify that the president lacked the authority to "blanket cancel federal student loans."

The chances of either measure becoming law appear slim, however, even with the Senate majority also in question. Getting enough votes to overcome a filibuster or override a presidential veto could also be a high bar.

House Republicans could try to pass legislation to stop the program or attempt to challenge the measure through the Congressional Review Act (CRA), which only requires 50 votes in the Senate.

If President Biden vetoed it, however, the House and Senate would need two-thirds support to override him.

All that said, experts say a GOP-led House would not be without points of leverage.

of Chicago Law School, said Republicans eager for action on student loans would be more likely to succeed by attaching the effort to a must-pass vehicle in the next Congress.

"Remember that there will be appropriations bills. There will be a political compulsion to pass those," he said. Another vehicle could be legislation to raise the nation's debt ceiling.

The Bipartisan Policy Center estimated in June that Congress will likely need to take action on the debt ceiling no earlier than the third quarter of 2023.

"We're likely to see conflict over the debt ceiling," Huq said.

Another likely option, and the one with the most potential for support, is a resolution condemning the program and saying Biden overstepped the separation of powers in government. However, a resolution has no political weight and would solely be a symbolic move.

Experts say there is some political risk to Republicans going after the program. An Economist-YouGov poll at the end of August found 51 percent supported student debt relief while only 39 percent opposed it.

"As much as a lot, I think, of Republicans probably oppose what the president did on principle, I think there's always more hesitancy to do something concrete [that appears] to try and take things

away from people,” Neal McCluskey, director for the Center for Educational Freedom at the Cato Institute, a libertarian-leaning think tank, told The Hill.

McCluskey says “there’s much more political risk” to supporting action against the student relief program and that doing so could alienate voters who were excited about the loan forgiveness.

Republicans could also look at a House-only lawsuit against the Biden administration, but McCluskey believes there would also not be enough support for that action.

There may not be much of a challenge at all to the program from a GOP House given the political risks and the fact that there is no significant outside lobbying against the student loan relief.

“There is nobody that has a specific group, that’s well organized, that has a clear price that will be paid for cancellation,” McCluskey said. “The closest you can get is loan servicers, but they’re not that big a group and they don’t have that much sway.”

However, there could be more significant pressure to ensure no future president or no future orders would be lawful to forgive student loan debt.

“I think Republicans will certainly face pressure to ensure that future Democratic presidents don’t have the authority to cancel more student debt. Their constituents have often been critical of the president’s efforts,” said Beth Akers, senior fellow focused on higher education and student loans at the American Enterprise Institute (AEI).

“But this isn’t an issue that Republican leaders needed an outraged constituency to motivate them to act. The unlawful and unfair forgiving of student loans goes against the basic tenets of Republican and conservative ideology.”