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Writing Assignment Week 1

Whether President Joe Biden has the authority to cancel student loans for up to \$20,000.00 per borrower under the Higher Education Relief Opportunities for Students Act of 2003 (HEROES Act) in response to the COVID-19 pandemic.

The HEROES Act vests the Secretary of Education with expansive authority to alleviate the hardship that federal student loan recipients may suffer as a result of national emergencies. The Act provides that the Secretary may “waive or modify any statutory or regulatory provision applicable to” federal student loan programs if the Secretary “deems” such actions “necessary to ensure that” certain statutory objectives are achieved, including ensuring that “recipients of student financial assistance ... are not placed in a worse position financially in relation to that financial assistance because of” a national emergency. 20 U.S.C. § 1098bb(a)(1)-(2).

President Joe Biden has relied on the HEROES Act to cancel student loans for up to \$20,000.00 per borrower. The Act provides the Secretary of Education with the authority to waive or modify statutory or regulatory provisions of federal student loan programs in the event of a national emergency. Covid-19 is still considered a national emergency by the United States Government and the Secretary of Education has the authority to waive or modify statutory or regulatory provisions of federal student loan programs to ensure that recipients of student financial assistance are not placed in a worse position financially as a result of the national emergency. It is important to note that the HEROES Act grants the Secretary of Education broad discretion in determining how to alleviate the hardship of federal student loan recipients during a national emergency. This discretion includes the authority to categorically waive statutory and regulatory obligations for borrowers residing or working in a disaster area in connection with a national emergency and for borrowers who suffered economic hardship as a result of a national emergency.

Therefore, it appears that President Joe Biden’s executive action and reliance on the HEROES Act is not pretextual and he has the authority to cancel student loans for up to \$20,000.00 per borrower under the Act.

President Joe Biden's executive action and reliance on the HEROES Act appears to be valid and he has the authority to cancel student loans for up to \$20,000.00 per borrower under the Act in response to the COVID-19 pandemic. The one question mark is if you consider the US still being in a national crisis or not. The way I see it the country is still recovering and an act like this could benefit a lot of people so there is still merit to the decision.