



April 3, 2020

Honorable Lindsey Graham, Chairman
Committee on the Judiciary
United States Senate
290 Russell Senate Office Building
Washington, D.C. 20510

Honorable Dianne Feinstein, Ranking Member
Committee on the Judiciary
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Graham and Ranking Member Feinstein:

As Congress works together on a fourth legislative package to provide further relief for millions of Americans impacted by COVID-19, AccessLex Institute urges you to consider changes to the Bankruptcy Code that would allow student loan borrowers to more easily access bankruptcy protections.

AccessLex Institute, in partnership with its nearly 200 nonprofit and state-affiliated ABA-approved member law schools, has been committed to improving access to legal education and to maximizing the affordability and value of a law degree since 1983. The AccessLex Center for Legal Education Excellence advocates for policies that make legal education work better for students and society alike and conducts research on the most critical issues facing legal education today.

During these uncertain economic times, the federal government must support everyday Americans who will struggle over the next many months to meet their financial obligations due to the economic fallout from the COVID-19 pandemic. Easing bankruptcy restrictions is one way to do that. But changes made over the last 40 years to the Bankruptcy Code, coupled with the application of outdated legal precedent, have resulted in unintended hurdles to the discharge of student loans in bankruptcy. Currently, a student loan borrower seeking discharge must prove that their student loan creates an "undue hardship" before a court may order full or partial discharge of such loans in bankruptcy, which as applied operates as a virtual prohibition against discharge in any case. The current crisis highlights the need for certain student loan borrowers to be able to more readily access the "fresh start" offered through bankruptcy that may be afforded by realigning policy with the intent of bankruptcy protection more generally.

We are heartened to see Congress and the Trump Administration come together in a bipartisan manner to support Americans who are struggling. AccessLex stands ready to work with Congress and the Administration on this and any future policy changes that may be necessary to support student loan borrowers as the COVID-19 pandemic continues.

Thank you for your time and attention to this matter. If you have any questions, please do not hesitate to contact Nancy Conneely, Director of Policy, at nconneely@accesslex.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris S", written in a cursive style.

Christopher P. Chapman
President and Chief Executive Officer