

# CIVICS IN REAL LIFE

Civics is all around us. There is a lot to know about the government and how “We the People” interact with the government and each other. Let’s help each other expand our civic literacy.

## Student Loan Relief & Presidential Power

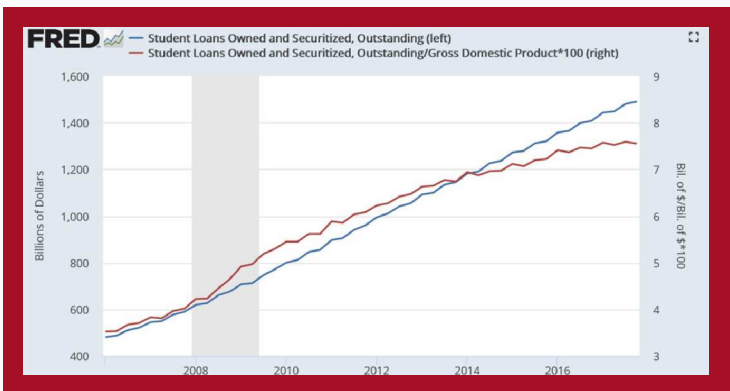


Over 40 million Americans are **in debt** for their higher education loans. When campaigning for president, then-candidate Joe Biden promised to address this concern by establishing a student loan relief plan. President Biden fulfilled this promise on Wednesday August 25th, 2022, when his administration announced “... a plan to give working and middle class families breathing room as they prepare to resume federal student loan payments in January 2023.” The plan cancels up to \$20,000 in student loan debt for **Pell Grant** recipients, and up to \$10,000 in student loan debt for non-Pell Grant recipients. Both groups must earn an individual income of less than \$125,000 to qualify. Based on the constitutional functions and powers of Congress and the president, the announcement has sparked the question: Does the president have the power to take this action on higher education debt relief?

During the **American Revolution**, colonists rallied around the phrase “**No taxation without representation**”. Driven by their experiences with King George III and British parliament, and the inherent weaknesses of the Articles of Confederation adopted after independence was established, the framers of the U.S. Constitution were united in their goal to ensure that the “**power of the purse**” would rest in the legislative branch. As the branch of government closest to the people, the framers believed that Congress should determine how the nation’s tax dollars would be raised and spent. These ideas saw little debate at the Constitutional Convention and were written into the U.S. Constitution: **Article I, section 9, clause 7**, known as the Appropriations Clause, **Article I, section 8** gives Congress the power to lay and collect taxes, and **Article I, section 7, clause 1**, which originates all tax bills in the House of Representatives.

So, if a presidential action, like a student loan relief plan, requires the government to spend money, must the action be first approved by Congress?

When the Biden Administration announced its student loan relief plan, it also released a **memorandum** addressing why it has the authority to do so. According to the administration’s memorandum, the **HEROES Act of 2003** includes the authority to cancel student debt. Passed during the Iraq and Afghanistan conflicts, the HEROES Act grants the Secretary of Education the authority to waive rules related to student loans during times of war or national emergency. During the 2020 COVID-19 pandemic, **President Donald Trump declared a national emergency**, which **remains in effect**. Because of this, the Biden Administration has asserted that “*in present circumstances, this authority could be used to effectuate a program of categorical debt cancellation directed at addressing the financial harms caused by the COVID-19 pandemic.*”



When the nation faces times of war or national emergency, the extent of the government’s power to protect and look after the well-being of citizens **becomes a difficult constitutional question to address**. Just how far is the government able to go? During the current state of emergency, the U.S. Supreme Court has had to weigh in on whether the government exceeded its authority on questions related to **vaccine mandates** and **eviction moratoriums**. Given that some members of Congress have expressed doubts about whether the president has the power to cancel student debt, it may very well be that the U.S. Supreme Court will be called upon again to settle an issue of presidential power.

**To Think and To Do:** Consider this **July 2021 quote** from Speaker of the House Nancy Pelosi:  
*“People think that the President of the United States has the power of debt forgiveness. He does not. He can postpone, he can delay, but he does not have that power. That has to be an act of Congress.”*  
Given her statement and your understanding of the U.S. Constitution, do you think the president has the power to establish student loan relief? Why or why not? What constitutional obstacles might exist for the implementation of this program? Explain.

### Learn More:

- [White House: Student Loan Relief Plan Fact Sheet](#)
- [National Constitution Center: Article II](#)



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