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Michael V. Drake, MD  
President

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April 23, 2021

The Honorable Dr. Miguel Cardona  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Secretary Cardona,

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I am writing to request that you reinstate, and make retroactive to December 11, 2020, the Perkins HEROES waivers that allowed institutions of higher education to exclude the 3-year forbearance cap and the request for supporting documentation requirements under section 464(e) of the HEA and 34 CFR 674.33(d)(2) and (3). Additionally, I ask that the Department of Education issue guidance allowing institutions of higher education to offer the same proactive administrative forbearance that is in place under the Direct Loan Program to all loan programs due to the ongoing national emergency related to the COVID-19 pandemic.

As of March 31, 2021, the University of California (UC) holds a Perkins loan portfolio comprised of 46,029 loans totaling \$107,909,754. UC Perkins borrowers were provided with proactive administrative forbearance relief through September 30, 2020 via The Coronavirus Aid, Relief, and Economic Security (CARES) Act (see April 3, 2020 Electronic Announcement). This relief was later extended through December 31, 2020, through a presidential proclamation. UC Perkins borrowers' first repayment due dates began on March 10, 2021. UC campuses are receiving phone calls and emails, and have been performing outreach activities to Perkins borrowers and are reporting that borrowers are still in need of relief due to the pandemic. Some borrowers have exceeded the 3-year forbearance cap afforded to them under the regulations and many do not have any available deferment relief. The Perkins portfolio is UC's only campus-based loan portfolio without any additional COVID-19 relief extended through September 30, 2021.

On December 11, 2020, the previous administration modified the Perkins HEROES waivers (HEROES 2019) through the Federal Register (85 FR 79856) and extended certain pandemic relief to Department of Education-owned loans through September 30, 2021. The modifications redefined "affected individual" and "affected borrower." The definitions are in conformity with 20 U.S.C 1098bb(a)(2) that establishes that the statutory and regulatory provisions can be waived or modified as necessary so "recipients of student financial assistance under title IV of the Act who are affected individuals are not placed in a worse position financially in relation to that financial assistance because of their status as affected individuals."

The statute also provides that "administrative requirements placed on affected individuals who are recipients of student financial assistance are minimized, to the extent possible without impairing the integrity of the student financial assistance programs, to ease the burden on such students and avoid inadvertent, technical

violations or defaults.” The HEROES 2019 provisions do not include the waivers of the Perkins forbearance limits, or the need for a borrower request and supporting documentation under section 464(e) of the HEA and 34 CFR 674.33(d)(2) and (3). These waivers had been in place since HEROES waivers were first issued in 2003 (68 FR 69312) and most recently extended in September 2017 (82 FR 45465).

The 2017 HEROES waivers provided that, “Under section 464(e) of the HEA and 34 CFR 674.33(d)(2), there is a three-year cumulative limit on the length of forbearances that a Federal Perkins Loan borrower can receive. To assist Federal Perkins Loan borrowers who are affected individuals in this category, the Secretary is waiving these statutory and regulatory requirements so that any forbearance based on a borrower’s status as an affected individual in this category is excluded from the three-year cumulative limit.”

The 2017 HEROES waivers also provided that, “Under section 464(e) of the HEA and 34 CFR 674.33(d)(2) and (3), a school must receive a request and supporting documentation from a Federal Perkins Loan borrower before granting the borrower a forbearance, the terms of which must be in the form of a written agreement. The Secretary is waiving these statutory and regulatory requirements to require an institution to grant forbearance based on the borrower’s status as an affected individual in this category for a one-year period, including a three-month “transition period” immediately following, without supporting documentation or a written agreement, based on the written or oral request of the borrower, a member of the borrower’s family, or another reliable source. The purpose of the three-month transition period is to assist borrowers so that they will not be required to reenter repayment immediately after they are no longer affected individuals in this category. In order to grant the borrower forbearance beyond the initial twelve- to fifteen-month period, supporting documentation from the borrower, a member of the borrower’s family, or another reliable source is required.”

Thank you for considering the University’s request. The reinstatement of the Perkins forbearance waivers and the ability to offer proactively the administrative forbearance will enable us to assist borrowers through the remainder of the pandemic. If you have any questions regarding UC’s request, please contact Chris Harrington, Associate Vice President in UC’s Office of Federal Governmental Relations, at [Chris.Harrington@ucdc.edu](mailto:Chris.Harrington@ucdc.edu) or 202-997-3150.

Sincerely,



Michael V. Drake, MD  
President  
University of California System

cc: Provost Michael Brown  
Senior Vice President for External Relations and Communications Claire Holmes  
Associate Vice President for Federal Government Relations Chris Harrington