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November 25, 2009

Ms. Mary Mitchelson  
 Acting Inspector General  
 U.S. Department of Education  
 Office of Inspector General  
 400 Maryland Avenue, SW  
 Washington, DC 20202-1500

Dear Ms. Michelson:

Policymakers and financial aid experts are engaged in much debate about the future of federal financial aid. At the center of this storm is the U.S. Department of Education, which is looked to by many as an unbiased authority that exists to assist and guide colleges and universities regardless of their position in this debate.

On November 3, I sent a letter to Secretary Duncan expressing concern and requesting additional information about public statements and calls placed to institutions of higher education by Department officials. Among the concerns I outlined in my letter are several examples of Department officials encouraging outside organizations to advocate for the Administration's proposal to eliminate the Federal Family Education Loan (FFEL) program – actions that may have violated the funding limitation in the Department's annual appropriations bill. In addition to the incidents documented in my letter, I draw your attention to an episode on April 24, 2009, in which Massie Ritsch, Deputy Assistant Secretary for External Affairs and Outreach, sent an email to unnamed outside organizations stating, "To help you communicate the merits of the President's proposal with your members and other audiences, the Department of Education offers the following information. I hope you find it helpful." The email contained talking points about the benefits of the Direct Loan program.

The calls made to institutions of higher education were clearly designed to persuade these institutions to switch to the Administration's favored Direct Loan program, despite the fact that Congress has not mandated the switch. This type of activity is symptomatic of a brand of politics

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that employs deception and public pressure to combat political adversaries. I'm certain you agree such tactics have no place in the federal government.

It is critical that federal funds provided by Congress be used for their intended purpose and in strict accordance with the law. Unfortunately, these actions by Department officials lead me to believe institutions of higher education cannot rely on impartial authority from the Department.

Although my letter of November 3, 2009 requested a response by Tuesday, November 24, 2009, I have neither received acknowledgement of my inquiry nor any reply from the Department. As such, I respectfully request your examination into whether the public statements made by Department officials or the coercive tactics being employed against institutions of higher education by Department officials have violated the funding limitation found in the Department's annual appropriations bill, the primary prohibition against lobbying with appropriated funds found in 18 U.S.C. § 1913, or the spirit of either of these restrictions. In addition, I would appreciate your recommendations on how to preserve the impartial, trusted role of the Department in the future.

Thank you for your attention to this request. If you have any questions, please contact Amy Jones or Kirk Boyle on my staff at (202) 225-6558.

Sincerely,



John Kline  
Senior Republican

cc: The Honorable George Miller, Chairman

Enclosure: Letter to Secretary Arne Duncan, dated November 3, 2009