

AMERICAN PAYROLL ASSOCIATION

December 11, 2018

Ms. Mary Ziegler
Assistant Administrator for Policy
Wage and Hour Division
U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

Re: Request for Technical Correction of the Higher Education Act wage garnishment limits found in Fact Sheet #30: The Federal Wage Garnishment Law, Consumer Credit Protection Act's Title III (CCPA)

Dear Ms. Ziegler:

The American Payroll Association (APA) is requesting a technical correction to the U.S. Department of Labor's Fact Sheet #30 under "Non-Tax Debts Owed to Federal Agencies." The limit on student loan wage garnishments under the Higher Education Act (HEA) should be 15% not 10%. Because the regulated community relies on these types of fact sheets, the correction is important to ensure compliance.

Fact Sheet #30 states, "The Higher Education Act authorizes the Department of Education's guaranty agencies to garnish up to 10% of disposable earnings to repay defaulted federal student loans." However, the Higher Education Act § 488A(a)(1), codified as amended at 20 U.S.C. § 1095a(a)(1), states:

§ 1095a. Wage garnishment requirement

(a) Garnishment requirements

Notwithstanding any provision of State law, a guaranty agency, or the Secretary in the case of loans made, insured or guaranteed under this subchapter that are held by the Secretary, may garnish the disposable pay of an individual to collect the amount owed by the individual, if he or she is not currently making required repayment under a repayment agreement with the Secretary, or, in the case of a loan guaranteed under part B on which the guaranty agency received reimbursement from the Secretary under section 1078(c) of this title, with the guaranty agency holding the loan, as appropriate, provided that—

(1) the amount deducted for any pay period may not exceed 15 percent of disposable pay, except that a greater percentage may be deducted with the written consent of the individual involved..." (emphasis added).

Thank you for your consideration to correct Fact Sheet #30. If you have any questions or if APA can be of further assistance to you, please contact Alice Jacobsohn by phone at 202-248-3901 or email at ajacobsohn@americanpayroll.org.

Sincerely,



Corrinne Flores
Chair, Government Relations Task Force
Subcommittee on Child Support and Other
Garnishments



Alice P. Jacobsohn, Esq.
Senior Manager, Government Relations

Cc: Melissa Smith, Director of Regulations, Legislation and Interpretation; Keith Sonderling, Senior Policy Advisor

About the APA

Established in 1982, the APA is a nonprofit professional association serving the interests of more than 20,000 payroll professionals in the United States. The APA's primary mission is to educate members and the payroll industry about the best practices associated with paying America's workers while complying with all applicable federal, state, and local laws. The APA's Government Relations Task Force works with legislative and executive branches at the federal and state levels to assist employers with understanding their legal obligations with significant emphasis on minimizing the administrative burden on government, employers, and individual workers.