



August 11, 2022

Secretary Cardona
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Re: Docket ID ED-2021-OPE-0077; RIN 1840–AD53, 1840–AD59, 1840–AD70, 1840–AD71: Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program

Dear Secretary Cardona:

The undersigned members of the Consortium for Constituents with Disabilities (CCD) Financial Security and Poverty and Social Security Task Forces write in response to the notice of proposed rulemaking mentioned above. Our Task Forces have written to you before about the Total and Permanent Disability (TPD) discharge program discussed in the proposed rule and our Task Forces were represented on the negotiated rulemaking sessions. We were pleased the agency adopted our proposed changes during the negotiations and that the negotiators came to consensus on the issue. We strongly support these revisions to the TPD program.

The TPD program was intended to eliminate the harsh financial burden of student loans for individuals whose disabilities prevent them from substantial employment, but it has not provided such relief to hundreds of thousands of beneficiaries because of the significant bureaucratic barriers within the program. While the agency's recent efforts have provided needed relief to disabled borrowers, these rules will do more both to simplify and clarify the system and expand eligibility under to ensure borrowers receive the relief to which they are entitled. We are particularly pleased that the proposed rule would make the following changes:

- 1) Eliminate the previous excessively narrow regulatory understanding of the statutory criteria

The proposed rule appropriately revises the regulations to include several groups of Social Security beneficiaries statutorily entitled to relief who were previously excluded from the groups of disabled borrowers entitled to TPD. This includes beneficiaries who have been through a three-year continuing disability review once already and who have a next scheduled disability review within three years, have a disability onset date of at least five years prior to their application or has been receiving Social Security Disability Insurance benefits or Supplemental Security Income Benefits for at least five years prior to their application,

beneficiaries who qualify for the Social Security Administration's compassionate allowance program, and beneficiaries who are now receiving Social Security retirement benefits and previously met the requirements for TPD discharge. We strongly support the inclusion of all of these named categories and the Department's acknowledgement of the statutory criteria. 20 U.S.C. § 1087(a)(1) is quite clear and we are glad to see the regulations more accurately reflect the statute.

2) Elimination of the three-year monitoring period for income.

The proposed rule formalizes the Department's current position of not requiring income verification for borrowers for three years after discharge. The three-year monitoring period for new Title IV loans remains. We strongly support the Department's elimination of the income verification monitoring period. As we have pointed out before, substantial analysis by the Government Accountability Office and journalists has demonstrated that the income monitoring period results in qualified individuals having their loans reinstated.¹ Eliminating this monitoring period will ensure that more borrowers can obtain relief with less unnecessary paperwork.

3) Expand the forms of documentation from the Social Security Administration (SSA) accepted as a basis for discharge.

The proposed rule also expanded the forms of documentation accepted from SSA as a basis for discharge to allow the agency discretion to accept other forms of documentation. We strongly support this change. As the Department noted during negotiations, SSA Benefit Planning Query forms were already accepted by the Department and negotiators provided details of other forms that would provide sufficient evidentiary basis for discharge. We are glad that the Department agreed and look forward to working with the Department to ensure all appropriate forms of documentation are accepted.

4) Expand the medical professionals able to certify discharge applications.

The proposed rule also expands the kinds of medical professionals authorized to certify discharge applications to include physicians' assistants and nurse practitioners. We strongly support this change. As negotiators pointed out, physician shortages, barriers to care in rural areas, and the current stress on the health care system from the continuing COVID pandemic all combine to create barriers to beneficiaries obtaining certifications and these additional professionals will help more eligible borrowers obtain relief.

We are grateful for the Department's work on this important issue and look forward to working with the Department to ensure that automatic discharge is available to all eligible disabled

¹ U.S. GOVERNMENT ACCOUNTABILITY OFFICE, IMPROVEMENTS TO PROGRAM DESIGN COULD BETTER ASSIST OLDER STUDENT LOAN BORROWERS WITH OBTAINING PERMITTED RELIEF (2016), <https://www.gao.gov/assets/gao-17-45.pdf>; National Public Radio, *Student Loan Borrowers With Disabilities Aren't Getting Help They Were Promised* (2019), <https://www.npr.org/2019/12/04/776058798/why-student-loan-borrowers-with-disabilities-arent-getting-the-help-they-deserve>.

borrowers and to ensure that applications for discharge are easy to submit and quickly processed.

Please contact Bethany Lilly (lilly@thearc.org) with any questions related to this letter.

Sincerely,

American Council of the Blind
Autistic Self Advocacy Network
Autistic Women & Nonbinary Network
Christopher & Dana Reeve Foundation
Justice in Aging
Muscular Dystrophy Association
National Association of Councils on Developmental Disabilities
National Consumer Law Center (on behalf of its low-income clients)
National Disability Institute
National Disability Rights Network (NDRN)
National Organization of Social Security Claimants' Representatives (NOSSCR)
National Women's Law Center
The Arc of the United States