

March 3, 2020

The Honorable Betsy DeVos
Secretary of Education
United States Department of Education
400 Maryland Ave. SW
Washington, DC 20202

Dear Secretary DeVos,

We are a diverse group of organizations working to protect the rights of student loan borrowers, individuals with disabilities, consumers, and veterans. We write to urge you to provide *all individuals* who the United States Department of Education (“Department”) knows qualify for a total and permanent disability (“TPD”) discharge—not just veterans—with the benefits they are entitled to receive under the law.

As you know, the Department has been working with both the Department of Veterans Affairs (“VA”) and the Social Security Administration (“SSA”) to identify borrowers who are eligible for a TPD discharge. Under matching agreements with both agencies, the VA and SSA provide the Department with lists of eligible borrowers who the Department then notifies of their entitlement to a TPD discharge.

Despite this outreach, many thousands of borrowers still do not apply. According to data the Department recently provided to the undersigned National Student Legal Defense Network (“Student Defense”) in response to a FOIA request, as of November 2019, 571,527 borrowers matched through the SSA process, but only 218,082 were approved for TPD relief.¹ This means that 353,445 SSA-matched borrowers, or over 60%, have not received the relief they are entitled to. The numbers are even worse according to a recent *National Public Radio* report, which found that between March 2016 and September 2019, only 28% of the borrowers identified through the SSA match had their loans discharged or were on track to have their loans discharged.² In many cases, the Department has sent these eligible borrowers into forced collections and seized the disability benefits that they depend on to survive, all for debt that it knows they do not owe.

¹ See U.S. Department of Education, Final Response to FOIA Request No. 20-00411-F (Jan. 29, 2020), *available at*: <https://www.defendstudents.org/foia/disability#matchingagreements>.

² See Clare Lombardo and Cory Turner, “Student Loan Borrowers with Disabilities Aren’t Getting Help They Were Promised,” *National Public Radio* (Dec. 4, 2019).

It is clear, therefore, that the Department's current process is failing to provide student loan relief to the hundreds of thousands of Americans with disabilities who are entitled to it. The Administration recognized so much when, on August 21, 2019, President Trump directed the Department to automatically discharge federal student loan debt for veterans identified as eligible by the VA. The President explained, accurately, that the TPD application process was "prevent[ing] too many of our veterans from receiving the relief for which they are eligible" which, in turn, was "frustrat[ing] the intent of the Congress that their Federal student loan debt be discharged."³

Precisely the same rationale applies to the Americans with disabilities that the SSA has already certified meet the requirements for a TPD discharge. As the numbers discussed above make clear, the application process is standing in the way of critical relief for hundreds of thousands of eligible borrowers, thwarting the intent of Congress that their student loan debt be discharged.

We therefore join the bipartisan coalition in Congress in calling on the Department to provide the same relief for borrowers with disabilities identified by the SSA as it provided to veterans with disabilities identified by the VA.⁴ To the extent the Department has concerns about the post-discharge monitoring period that applies to SSA-matched borrowers, there are concrete, streamlined actions the Department can take to make sure that it is not a barrier to providing this relief. We would welcome the opportunity to work with you to ensure that all eligible borrowers receive the TPD relief that they are entitled to under the law.

All the information and all the power to help hundreds of thousands of Americans with disabilities is in your hands. Every day this action is delayed, there is a financial and human cost. We urge the Administration to take heed and act quickly to finish what it started.

³ See Presidential Memorandum on Discharging the Federal Student Loan Debt of Totally and Permanently Disabled Veterans (Aug. 21, 2019), *available at*: <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-discharging-federal-student-loan-debt-totally-permanently-disabled-veterans/>.

⁴ See Senator Chris Coons, Press Release: "Sen. Coons leads bipartisan effort to urge Trump Administration to immediately discharge outstanding federal student loans for permanently disabled Americans," (Oct. 9, 2019), *available at*: <https://www.coons.senate.gov/news/press-releases/sen-coons-leads-bipartisan-effort-to-urge-trump-administration-to-immediately-discharge-outstanding-federal-student-loans-for-permanently-disabled-americans>.

Sincerely,

American Federation of Teachers, AFL-CIO
Americans for Financial Reform
Center for Responsible Lending
Community Legal Aid Society, Inc., Delaware
Community Legal Services of Philadelphia
Consumer Action
Disability Rights Education and Defense Fund
East Bay Community Law Center
Easterseals
Generation Progress
Greater Boston Legal Services, Consumer Rights Unit (on behalf of its low-income clients)
Hildreth Institute
Justice in Aging
National Association of Consumer Bankruptcy Attorneys (NACBA)
National Committee to Preserve Social Security and Medicare
National Consumer Law Center (on behalf of its low-income clients)
National Council on Independent Living
National Disability Institute
National Disability Rights Network
National Organization of Social Security Claimants' Representatives
National Student Legal Defense Network (Student Defense)
New America Higher Education Program
NextGen California
Paralyzed Veterans of America
PHENOM (Public Higher Education Network of Massachusetts)
Project on Predatory Student Lending
Student Debt Crisis
Student Veterans of America
The Arc of the United States
The Institute for College Access and Success (TICAS)
Veterans Education Success
Young Invincibles

cc: Commissioner Andrew Saul, Social Security Administration