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January 27, 2020

By *Electronic Filing* (<http://www.regulations.gov>)

Betsy DeVos, Secretary of Education
c/o Robert King
U.S. Department of Education
Office of Postsecondary Education
400 Maryland Avenue SW
Washington, D.C. 20202-2241

RE: *Total and Permanent Disability Discharge of Loans Under Title IV of the Higher Education Act, RIN 1840-AD48 / Docket ID ED-2019-FSA-0115*

Dear Secretary DeVos:

I write regarding the interim final rules issued by the Department of Education to amend its regulations governing student loan discharges for totally and permanently disabled veterans. *See Total and Permanent Disability Discharge of Loans Under Title IV of the Higher Education Act*, 84 Fed. Reg. 65,000 (Nov. 26, 2019). The new rules eliminate an outdated requirement that a totally and permanently disabled veteran must submit an application and supporting documentation to the Department of Education in order to obtain a student loan discharge, even if the Department of Veterans Affairs has already informed the Department of Education that the veteran is entitled to such relief. *See id.* at 65,001-02. Under the new rules, the Department's opt-in approach to loan forgiveness will be replaced with an opt-out approach consistent with proposals made by veterans organizations and Members of Congress of both parties, with the recommendations made by a bipartisan group of over 50 State and Territorial Attorneys General in May 2019, and with the Presidential Memorandum that followed in August 2019. *See id.* at 65,002.

The Department's analysis in support of the interim final rules indicates that the Department's opt-in approach may have prevented more than 20,000 disabled veterans—and as many as 36,000—from obtaining the student loan discharges that they are by law entitled to receive. *See id.* at 65,002, 65,004. Going forward, the Department anticipates that approximately 4,000 additional likely qualifying veterans will be identified by the Department of Veterans Affairs on a quarterly basis. *Id.* at 65,004.



According to the Department's estimates, switching from an opt-in approach to an opt-out approach to loan discharges will save already-eligible veterans over \$543 million in student loan relief and will save additional veterans approximately \$787 million over the 2020-2029 loan cohorts. *See id.* The total net impact has been estimated at \$1.3 billion over a decade, or \$138.7 million per year. *See id.*

These numbers underscore why so many State and Territorial Attorneys General pressed the Department to act quickly to provide student loan relief to our veterans who are totally and permanently disabled due to their service-related injuries. We appreciate that the Department now shares our sense of urgency about providing relief to veterans who have given so much to protect our nation.

While the Department's interim final rules appropriately focus on our nation's veterans, totally and permanently disabled veterans are not the only group of individuals who may be deprived of student loan relief to which they are entitled as a result of unnecessary administrative barriers. The Department's actions to facilitate loan forgiveness for totally and permanently disabled veterans should now serve as a model for providing similar loan forgiveness to individuals receiving Social Security Disability Insurance or Supplemental Security Income who have been identified as totally and permanently disabled by the Social Security Administration.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gurbir S. Grewal", followed by a period.

GURBIR S. GREWAL
ATTORNEY GENERAL