

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
			<p>Note: Many of the comments submitted on this collection pertain to general joint consolidation separation policy issues or operational aspects of implementing the Joint Consolidation Loan Separation Act (JCLSA) and do not directly relate to the content of the information collection. Generally, we do not respond to these types of comments here. However, additional guidance will be published at a later date to address many of the issues raised.</p>	
0004	Joseph Hall	<p>I am unsure of the need to have 2 people who don't live in your household listed as references. The loans already exist, they are just being split. There is no need for references. I have been paying on the loan for 30 years as well as my Joint holder. We do not need to let family and friends know or be involved in this.</p>	<p>It is established practice for all federal student loan promissory notes to require references. As explained in the instructions, references may be contacted to assist in locating the borrower if the Department is unable to reach the borrower by other means. References are used only for this purpose. They are never held liable for repayment of the loan and are not contacted as part of application process.</p>	No
0005	Scott Carlson	<p>It might help to provide guidance or instructions on what constitutes a valid "settlement agreement" under Section 19 of the form. For example, does it</p>	<p>The application will be revised to provide further guidance on what constitutes a valid settlement agreement.</p>	Yes

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		only have to be signed by the borrowers, or does it have to be notarized or witnessed.		
0006	Brian H.	Reviewed the entire joint consolidation separation document/application ...great rough draft! Let's get this application up and running so we can get the forgiveness we qualified for many years ago. Thank you!	We appreciate the commenter's support.	No
0007	Sarah Buell	"Under the joint application option, each joint consolidation loan co-borrower applies for an individual Direct Consolidation Loan. Unless the co-borrowers agree on an alternate amount specified in a divorce decree, court order, or settlement agreement, each co-borrowers new individual Direct Consolidation Loan will be made for an amount equal to the co-borrowers' portion of the remaining outstanding balance of the joint consolidation loan." A clarifying statement on the consequences of separating the loans using an "alternate amount". Example: Borrower A's portion of the joint consolidation loan is 90% and will be eligible for PSLF. Borrower B is not eligible for PSLF and his portion is 10%. Borrowers' divorce degree holds	The comment is outside the scope of this information collection.	No

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		borrower A responsible for all debt. Can the loans be separated and then Borrower A take responsibility for both loans, would borrower A have one consolidation loan? What is the impact on PSLF eligibility?		
0008	Brian Hardison	I've read twiceI can't find previous payments made on "joint federal consolidation loans" are counted toward 10 yr PSLF after consolidation into new direct federal loan. It does state ..previous payments made on "joint direct consolidation loan" will count toward 10 yr PSLF after consolidation into new direct federal loan. Almost all of us have the FFEL (joint federal consolidation loan) We are under the impression that if we made 10 yrs of payments on our joint federal consolidation loans that would count toward PSLF in the new direct federal loan.	The Department has already provided guidance that joint consolidation loan borrowers with commercially-held Federal Family Education Loans (FFEL) will receive retroactive application of the one-time income-driven repayment account adjustment once the separation process is implemented and the borrower or borrowers apply for separation and reconsolidation into the Direct Loan program. These borrowers will likewise receive credit towards Public Service Loan Forgiveness (PSLF) if the borrower was otherwise eligible. Because this is a one-time benefit that will not apply going forward, it is not described in the combined application and promissory note.	No
0009	Dawn Marie Hayes	I see the following language in item #7 in the Department of Education's blog here: https://blog.ed.gov/2023/12/seven-things-to-know-about-the-student-loan-payment-count-adjustment/	The comment is outside the scope of this information collection.	No

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>"Borrowers with joint consolidation loans managed by the Department are eligible for the adjustment and are being processed for forgiveness if the loans meet the threshold of 20 or 25 years' worth of qualifying payments. Borrowers with FFEL joint consolidation loans that are commercially managed will have their payment count adjusted when they split their loan into a Direct Consolidation Loan, even if the split occurs after the adjustment is complete."</p> <p>I respectfully urge the DOE to apply the principle of retroactivity to the JCLS borrowers who had become eligible for PSLF while their loans were in legal limbo, granting them refunds of their overpayment from the date they otherwise had become eligible. Please, please consider doing this. It is the right thing to do.</p>		
0010	Joshua Cohen	<p>Why can't a person applying under box #20 use a divorce decree? Why is the divorce decree only used if both parties apply (box #19)? There is a reason these folks are divorced, and it is likely that many don't speak anymore. They have a legally binding agreement ordered through a state court.</p>	<p>The Joint Consolidation Loan Separation Act provides for a non-proportional separation of the joint consolidation loan debt in accordance with a divorce decree, court order, or separation agreement only in the case of a joint application</p>	No

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>It is suggested that 19 be stricken and that the existing 18 and 20 have a sub box to check that requests the loan be split pursuant to a "divorce decree, court order, or settlement agreement" which is then attached to the application. There's no reason to complicate things and make the divorce decree a separate issue. It is a sub issue.</p> <p>Also, if box 18 is checked, that the request is joint, why not have both parties sign the same application? Why make your servicers match up paperwork that could be received weeks apart? If the couple is married, or even divorced but still amicable enough to communicate, it's easy enough for them to sign one document and be done.</p>	<p>where both co-borrowers have submitted separation applications.</p> <p>If box 18 or box 19 is checked, each joint consolidation loan co-borrower must sign and submit a separate Combined Application to Separate a Joint Consolidation Loan and Direct Consolidation Loan Promissory Note. This is because following the separation of the joint debt, each individual will have a new consolidation loan for which that individual alone is liable, and the combined form serves as that individual's legal agreement to repay the new consolidation loan. Therefore, it would not be possible to have both borrowers sign the same application and promissory note.</p>	
0011	Gregg Betheil	<p>While it is encouraging to finally see progress on development of the separation application after over 460' days since the law past, you also have an obligation to address accrued interest in the intervening time since the law was passed. As this was an administrative delay and the USDOE was negligent in directing servicers to grant non-capitalizing administrative forbearance on Joint</p>	<p>The comment is outside the scope of this information request.</p>	No

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		loans pending the availability of a separation application, even though such guidance was available on studentaid.gov, the proposed process should now be explicit that any accrued interest will be cancelled and any payments made since October 11, 2022 will be refunded if eligible to PSLF or other forgiveness programs.		
0012	Anonymous	<p>It is nice to see progress on the application but I agree with other comments, it is not going fast enough. Loan service providers are not allowing loans be placed in forbearance due to this act. Mohela has declined forbearance because they don't have guidance on how to do it even though I have indicated I want my loan separated with the Ombudsman group.</p> <p>As for the application, I think it is very challenging to require both parties apply for the separation. Most divorces are not amicable and one person should not be stuck with a consolidation loan if an ex spouse refuses to apply for separation. Especially when one borrower has no access to the account</p>	<p>Both joint consolidation loan co-borrowers are not required to sign the same application to separate the joint consolidation loan. If both co-borrowers apply to separate the joint debt, each co-borrower signs a separate application. It is also possible for just one of the co-borrowers to apply to separate the joint debt without an application from the other co-borrower, if the applying co-borrower certifies that they have experienced economic abuse or domestic violence by the co-borrower, or that they are unable to reach or access the loan information of the of the other co-borrower.</p> <p>It is established practice for all federal student loan promissory notes to require references. As explained in the instructions, references may be contacted to</p>	No

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>because it is solely under one borrowers name with the servicer.</p> <p>Also, with PSLF what if the loan is separated by a divorce decree and the percentage is higher than what would be forgiven under PSLF for that borrower? Is the whole amount for that borrower forgiven based on the divorce decree or the amount the borrower originally had?</p> <p>Lastly, asking for references on a loan that borrowers have had for 20 plus years is ridiculous.</p>	<p>assist in locating the borrower if the Department is unable to reach the borrower by other means. References are used only for this purpose. They are never held liable for repayment of the loan and are not contacted as part of application process.</p> <p>The other comments are outside the scope of this information collection.</p>	
0013	Lisa Yamagata-Lynch	<p>I am happy to see the progress for JCLS.</p> <p>Comment 1: I see others commented on this, but unless it is legally required, it is not clear why there is a need for references in the application. People who have joint consolidated loans are individuals who consolidated before the middle of 2006 when it became outlawed. The youngest possible individual with JCL would be 40 years old at the current time, and most of us are in our 50s, 60s, and even 70s and higher.</p>	<p>It is established practice for all federal student loan promissory notes to require references. As explained in the instructions, references may be contacted to assist in locating the borrower if the Department is unable to reach the borrower by other means. References are used only for this purpose. They are never held liable for repayment of the loan and are not contacted as part of application process.</p> <p>The application does not request information about the co-borrower’s employer because that information would be collected on the separate</p>	No

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>Comment 2: If asking for borrower employer, would it be a good idea to ask for employer information for the co-borrower?</p> <p>Comment 3: While I understand that it will not apply for all potential applicants, but it will for many, why not have some explanation for FFEL JCL holders who applied for PSLF during the limited waiver period. It can even be a link to a website for people who fit in that category. A little instructions on which repayment plan for them to apply if they are seeking PSLF through the limited waiver, which they already applied to and are on hold would be great.</p> <p>For the limited wavier, I believe we were instructed that it did not matter what repayment plan we chose. Does that hold true for this application, or somehow not making the "correct choice" in this Application disqualify those who already followed direction at the time of the limited wavier.</p> <p>All instructions that FFEL JCL holders who qualified for the limited PSLF waiver have received in the past have been unfairly unclear. I understand that having all that information on the set of instructions for this</p>	<p>application submitted by the co-borrower (if both co-borrowers apply to separate the joint debt).</p> <p>The one-time income-driven repayment account adjustment is a limited benefit that joint consolidation loan borrowers will receive after separation and consolidation. The Public Service Loan Forgiveness (PSLF) limited waiver is also a limited benefit that only borrowers who met specific requirements will benefit from. Because these are only temporary benefits, they are not discussed on the application.</p>	

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>form does not make sense, but if it can lead us to a website that lays out clearly how to coordinate different scenarios based on what we have already done would be most helpful. Not all, but there are number of individuals who qualified for the PSLF limited waiver who are victims of domestic abuse. There is no need to add to the burden they are carrying every day trying to get their loan separated and gain financial freedom from their abusive divorced partners.</p> <p>Alternatively, FSA already has information for FFEL JCL holders who have applied for loan consolidation for the PSLF limited waiver, and also filed a request for Reconsideration as we were directed to do so. We have case numbers. Thus, it seems a clear set of instructions through email or snail mail for those individuals who have taken every step available during the limited PSLF waiver and how to coordinate that effort by filling this JCLS application would decrease confusion, frustration, and ultimately calls made to the FSA Ombudsman Office.</p>		

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
0014	Katherine Craft	<p>Section 23 (l) states that PSLF payments will be counted on Joint Direct Loans. Does this mean those of us in FFELP Joint Loans will not have our previous "qualifying" payments counted toward PSLF? Given the majority of us were not given the option to choose in our states, why are we punished because we are in a loan type discontinued in 2010? This seems like a cruel path. In addition PSLF wasn't in existence when most of us joined into a joint loan, so we could not make educated decisions for what we didn't know. Had many of us been given the option by our "advocates," we likely would have chosen a Direct Joint loan over a commercially-held loan.</p> <p>I understand the Law does not have this provision in it; however, the Department of Education should make this right and provide counts toward PSLF based on Biden's recount. Will the recount apply?</p>	<p>Public Service Loan Forgiveness (PSLF) is available only for Direct Loan Program loans. When a Federal Family Education Loan (FFEL) Program joint consolidation loan borrower completes the Combined Application to Separate a Joint Consolidation Loan and Direct Consolidation Loan Promissory Note, their portion of the FFEL joint consolidation loan will be consolidated into the Direct Loan Program. Under the one-time income-based repayment account adjustment, these borrowers who complete PSLF applications will receive retroactive eligibility if they were performing eligible service while repaying their FFEL joint consolidation loans. This eligibility is applied to the new Direct Consolidation Loan. If the one-time account adjustment occurs prior to the separation process, these borrowers will receive this adjustment retroactively. Because this process is one-time and not part of the application or eligibility for separation, it is not covered on the form.</p>	No
0015	Sharon Stone	<p>1. Asking for references is unnecessary. These loans have been in place for years.</p>	<p>1. It is established practice for all federal student loan promissory notes to require references. As explained in the instructions, references may be</p>	No

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>2. If the JSCL is a Direct Consolidation Loan that has already had some forgiveness through PSLF (spouse A) resulting in a balance that belongs to only one spouse (spouse B) based on percentages of the original loan, will the new DCLs show the one spouse with 100% forgiveness and one spouse with the remaining amount? That's unclear.</p> <p>3. The JSCLs are both DCL and FFE; there should be some clarification in the application and directions because they have different histories.</p>	<p>contacted to assist in locating the borrower if the Department is unable to reach the borrower by other means. References are used only for this purpose. They are never held liable for repayment of the loan and are not contacted as part of application process.</p> <p>2. In the situation described in comment #2, the remaining balance of the joint consolidation loan after the partial forgiveness through the PSLF Program is still a joint debt, and it would be separated in accordance with the terms of the Joint Consolidation Loan Separation Act, as described in Section 4 of the application.</p> <p>3. It is unclear from the comment what further clarification is being recommended.</p>	
0016	Anonymous	Remove the requirement that applicants provide two references. References are not required for other Department of Education loan consolidation applications. To require JSCL holders desiring loan separation to provide references continues the unnecessary burden and mistreatment of these	It is established practice for all federal student loan promissory notes to require references. As explained in the instructions, references may be contacted to assist in locating the borrower if the Department is unable to reach the borrower by other means. References are used only for this purpose. They are	No

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		holders compared to other federal student loan borrowers. There is no need for references.	never held liable for repayment of the loan and are not contacted as part of application process.	
0017	Kristin Logsdon	How can we ensure that our loan calculations will be correct when Navient can't even find our original promissory notes? This process needs to speed up, we are being charged hundreds to thousands in interest monthly, many of us are eligible for PSLF . Our loans have exploded and we often owe double or triple than the original balances despite paying for decades. We deserve borrower defense protections, we have been scammed.	The comment is outside the scope of this information collection.	No
0018	Alexander Rogers	My wife and I have a Joint Consolidated student loan (JCL) with Navient that we have been paying since 2002 and never have been in default. Under the new IDR Account Adjustment, there are several statements that are consistent with my Navient loan. In particular, the accumulated time in repayment of at least 20 or 25 years, and PSLF. My wife and I have been public employees for 17+ years. There were times that we initiated forbearance with the Navient loan. Once when my wife went back to school to acquire an Education	The comment is outside the scope of this information collection.	No

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>degree and another time when we struggled financially during Hurricane Katrina (my wife lost her job and we moved from Louisiana to Arkansas). Other times were not initiated by us, but all times under forbearance we were penalized with capitalized interest that resulted in owing slightly less than our original loan. We have paid out of pocket over twice the original balance. I have records to support all the things that I mention.</p> <p>We’ve been told many times by DOE that my wife does not qualify for the teacher forgiveness because of this JCL with Navient. We both, being government employees for 17+ years, should qualify for PSLF but do not because of the JCL with Navient. We’ve been told for years that our JCL must be consolidated to a direct loan under DOE in order to qualify for these benefits. However, a process has yet to be provided for us.</p> <p>We were hopeful and excited with the passing of law PL117-200 but are extremely disappointed that it cannot be implemented due to lack of funding.</p>		

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		We respectfully request that you support full funding to ED for execution of the law PL117-200.		
0019	Rachel Cunningham	My spouse and I borrowed around 40,000 for graduate school, we have paid back over 100,000 and we now owe 470,000 due to interest that keeps accruing. Our loans were in hardship forbearances and deferments for a long time because the "income sensitive repayment" plans were not really income sensitive as it included interest and it made the payments too high. After that program was revamped by Obama, we finally were able to make payments. I could not get into the PSLF program because we had already consolidated our loans. In the mean time I have worked for 28 years for a school district. These loans need to be forgiven if they are over 20 years old and if the borrows have paid back everything borrowed. We should not have to continue making payments forever and we should not have to pay taxes (state) on what is forgiven.	The comment is outside the scope of this information collection.	No
0020	Theresa B.	There is no place on this application for a divorced applicant to indicate that one party has made a disproportionate amount of payment. In cases of	The Joint Consolidation Loan Separation Act does not provide for a co-borrower of a joint consolidation loan to certify the amount they paid	No

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		divorce, frequently one party has made more, the majority, or in many cases ALL of the payments with zero contribution from the other party. Whereas individuals have been managing these loans for 20 years or more, there needs to be a way for a borrower to certify that he or she has overpaid so that may be calculated into the separation result.	toward the combined debt compared to the other co-borrower.	
0021	Spousal Consolidation.Do Us Part!	Section 1 Making sure name matches with FSA sight Section 2 Definition of Co-Borrower/ Primary Name match up with FSA – hyphenated last names, problems putting last names into FSA program at times Something in instructions as WHO is consider a co-borrower, WHO is the primary? who is secondary Instructions as to which name should be used -prior names like other married names/maiden. Section 3	We will revise and expand the instructions to more clearly explain the application process, and to clarify the terms “borrower” and “co-borrower.” With regard to which name should be used, the form already asks for both the applicant’s current name and any former names used. It is established practice for all federal student loan promissory notes to require references. As explained in the instructions, references may be contacted to assist in locating the borrower if the Department is unable to reach the borrower by other means. References are used only for this purpose. They are never held liable for repayment of the loan and are not contacted as part of application process.	Yes

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>References- Why do we need this?</p> <p>Will both co-borrowers need separate references or can they use the same references?</p> <p>Is form for both co-borrowers or does each spouse/borrower need to fill out separate forms?</p> <p>Makes perfect sense to have one spouse fill out then FSA give code for coborrower to complete their part. So both are submitted together.</p> <p>It would be better to do this process digitally like they do the IBR....</p> <p>Section 4</p> <p>#18- 19 or 20</p> <p>Very broad; borrowers may get caught up in unique circumstances and the application does not lend itself to considering those.</p> <p>Spouse A and Spouse B subsidized loans and unsubsidized loans were kept separated by the Department of Education. If a borrower only have unsubsidized loans, doing a separation could assign</p>	<p>If both joint consolidation loan co-borrowers apply to separate the joint debt, each individual must submit a separate application that will request information pertaining to that individual. It is permissible for both individuals to list the same references on their respective applications.</p> <p>With regard to what the interest rate will be for the separated loans, this is explained in Section 8, Item 6 of the application.</p> <p>For the initial implementation of the Joint Consolidation Loan Separation Act, only a paper application process will be available. The time required to develop an online application process would further delay the implementation.</p> <p>Other comments are outside the scope of this information collection.</p>	

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>subsidized loans to a coborrower that didn't have subsidized loans.</p> <p>Concern about the co-borrower being able to get information on loans, especially in the cases of domestic violence. Both parties should be able to make inquiries without the primary borrower.</p> <p>Option for only contacting by mail – some people don't want texts and don't have cell phones, don't want to list cell phone. It doesn't say what to do with the application, will the servicers be proactive with the applications. Forms should be done through studentaid.gov, because how do we know that the servicers are getting the information? – huge disconnect, a borrower could be at the mercy of a commercial company. Question about what the interest rate will be for the new separated loans.</p>		
0022	Spousal Consolidation.Do Us Part!	<p>Comments being made are from the perspective of a group of Divorced, separated and or victims of domestic violence JCL Borrowers.</p> <p>1.Title of application is not accessible for individuals no longer in contact with spouse.</p>	The word "Combined" in the title of the application simply indicates that the form serves as both an application and a promissory note. It does not mean that both joint consolidation loan co-borrowers must complete the same application. If both co-borrowers wish to separate the joint debt, each	Yes

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>Section 1</p> <p>1. Not clear who the borrower is.</p> <p>2. Application does not apply to spouses that dont communicate with their former spouse. Doesn't address divorced persons with no ability to contact the spouse.</p> <p>4. Define who the borrower, is co-borrower and how will those individuals be represented This language should be changed from "Borrower and Coborrower" to "Applicant".</p> <p>Section 2 same as above</p> <p>Section 3 Reference information</p> <p>This section does not seem necessary, why is the borrower providing references for loans that are already in process.</p> <p>Should be included in the application for direct consolidation.</p> <p>Streamlined separate process for divorced spouses.</p> <p>Section 4</p>	<p>individual must submit their own combined application and promissory note.</p> <p>We will revise and expand the instructions to more clearly explain the application process, and to clarify the terms "borrower" and "co-borrower."</p> <p>It is possible for just one of the co-borrowers to apply (without an application from the other co-borrower), if the applying co-borrower certifies that they are victims of economic abuse or domestic violence, or that they are unable to reach or access the loan information of the other co-borrower.</p> <p>It is established practice for all federal student loan promissory notes to require references. As explained in the instructions, references may be contacted to assist in locating the borrower if the Department is unable to reach the borrower by other means. References are used only for this purpose. They are never held liable for repayment of the loan and are not contacted as part of application process.</p> <p>The Joint Consolidation Loan Separation Act (JCLSA) specifies the formula for separating a joint consolidation loan proportionately and outlines</p>	

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>Does not cover enough scenarios- This section should outline different sections for different situations.</p> <p>18 joint application based on the previous balance on the loan is confusing</p> <p>Are both borrowers applying for separation at the same time?</p> <p>19 joint application based on a court order</p> <p>Divorce was prior to more information about the loan.</p> <p>All debts and loans were separated equally, but that was not an option then.</p> <p>Court ordered documents 20 years ago is not an accurate reflection where we are.</p> <p>20 There needs to be an additional section for JCL borrowers who are separated to apply for separation with credit for the payments they have made without the co borrower.</p> <p>Ability to provide supporting documentation with court orders and rulings against a former spouse.</p>	<p>specifically what is required for a joint consolidation loan to be separated in a non-proportional manner. We do not have the authority to deviate from these statutory requirements. Likewise, the JCLSA does not provide for a co-borrower of a joint consolidation loan to certify the amount they paid toward the combined debt compared to the other co-borrower.</p> <p>A joint consolidation loan co-borrower who certifies that they have experienced economic abuse or domestic violence is not required to provide supporting documentation. The individual’s self-certification is sufficient.</p> <p>With regard to the comment about borrowers with other loans that are not part of the joint consolidation, Section 8, Item 5 explains that other loans may be added after the joint consolidation loan has been separated.</p> <p>Other comments are outside the scope of this information collection.</p>	

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>Distribute the remaining debt proportion equally based on the spouse who has made the payments.</p> <p>Some borrowers have made ALL of all the payments made.</p> <p>There needs to be a place where borrowers can ask to certify the number of payments we made and get credit.</p> <p>Some divorced spouses paid part of the debt jointly and part of the debt together.</p> <p>At the time of separation there was no law to govern how these separations should take place. Lawyers didn't even know what do with these loans and many factors were not considered at the time of divorce.</p> <p>One spouse became a sole-earner while the other spouse re-married and had income to pay loan so the other spouse would not qualify for IBR or other programs that would have been available to them otherwise.</p> <p>Some spouses were also entitled to child support that was used to pay for student loans</p>		

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>Some spouses never received child support, but still maintained regular payments of the loans. This was an unnecessary burden to the responsible person who made the payments.</p> <p>Those who would have qualified for IBR or other programs outlined by the Department of Education but could not because of the joint nature of the Joint Consolidated Loan.</p> <p>How is the borrower supposed to certify that they are victims of economic abuse?</p> <p>There may be other repercussions of certifying abuse – children upset that one parent is claiming abuse to separate a loan.</p> <p>Does intent need to be defined for this classification or do we self-certify?</p> <p>More information in this section is needed: the wording needs to be clear and concise regarding what is required. Some borrowers may be victims of neglect or circumstance.</p>		

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>Address the co-borrower, borrower language again in this section – suggest changing the language to applicant and spouse or former spouse.</p> <p>If a borrower was taken advantage of because of the nature of this situation, language needs to reflect those situations here to cover multiple scenarios.</p> <p>Flexible enough to include large numbers of people.</p> <p>Violence against Women Act?</p> <p>Focused on women, but there may be men in this situation as well.</p> <p>The intent of the law needs to exclude gender.</p> <p>The last line does not indicate who is responsible for the debt and accrued interest if only one person is applying.</p> <p>How will this work if the two separate individuals apply under two different items or numbers?</p> <p>Borrower is either both jointly certifying that they are applying for separation or they are not.</p>		

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>What happens in the instance of retribution when one spouse does not agree?</p> <p>Section 6</p> <p>Some borrowers have other loans that are not part of the consolidation, but there is nothing addressing this situation.</p> <p>Some borrowers have multiple servicers – Administrative forbearance needs to be provided for all the loans.</p> <p>This section makes it seem like the clock is starting over on these loans.</p> <p>Some borrowers have Parent Plus loans that are entering repayment.</p> <p>Public Student Loan Forgiveness needs to be mentioned here.</p> <p>Non-profit work, teachers etc.</p> <p>What happens when a former spouse submits one of these applications fraudulently?</p>		

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		Language makes it seem like the loan starts over and re-payment time goes day by day.		
0023	Jamie Wilson	I am widowed and STILL cannot get PSLF even though I AND my late husband fulfilled several years over the 10year/120 months requirement as public school teachers in qualifying school districts because our FFEL loans initiated as a spousal consolidation FFEL in 2004. We have paid back more than double what we originally consolidated, and though his portion was “discharged upon death” in May 2020, my remaining balance is still classified as a spousal consolidation and, therefore, I continue to get denied PSLF.	These comments are outside the scope of the information collection.	No
0024	Lori Klein	Section 1: Borrower Information Why do you need my employer? Section 3: Reference Information Why are you asking for references? These have been provided, and I am not in default Section 4: Item 19 offers a provision to separate loans based on the terms of a divorce decree or separation	Other federal loan promissory notes also require a borrower to provide information about their employer. The employer may be contacted to assist in locating the borrower if the Department is unable to reach the borrower by any other means. The employer information is used only for this purpose, and the employer is not contacted in connection with the application process.	No

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>agreement, but Item 20 (for abused ex-spouses) does not.</p> <p>My abusive former spouse signed a settlement agreement defining our ownership as 50/50, which differs from the proportion originally borrowed.</p> <p>He then left the country, never making a single payment. (Nor did he pay child support or alimony; the financial burden has been profound.) Any payments made (since 1993 in fact) were made by me alone. We consolidated in 2005, and I was still the only one who made payments.</p> <p>It seems Item 20 should offer the same option for those abused, as Item 19 does.</p> <p>And a sworn statement specifying whether the other spouse ever made payments, and adjusting accordingly, seems only fair.</p> <p>I also believe payments made prior to consolidating should be included in payment counts</p> <p>Section 5: Repayment Plan selection The instructions state that IDR plans should be requested directly through StudentAid.gov. When would we do that?</p>	<p>It is established practice for all federal student loan promissory notes to require references. As explained in the instructions, references may be contacted to assist in locating the borrower if the Department is unable to reach the borrower by other means. References are used only for this purpose. They are never held liable for repayment of the loan and are not contacted as part of application process.</p> <p>The Joint Consolidation Loan Separation Act (JCLSA) allows for separation of a joint consolidation loan in a non-proportional manner only in cases where both co-borrowers agree and have provided legal documentation specifying an alternate amount. The law does not allow for this if just one co-borrower applies.</p> <p>With regard to counting payments made prior to consolidation, the application reflects the regulatory requirements of the Direct Loan Program.</p> <p>The capitalization discussed in Section 6, Item 23.J is capitalization that may occur after the joint consolidation loan has been separated into a new individual Direct Consolidation Loan (for example, at</p>	

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>Until the loans are separated, those applications are considered ineligible.</p> <p>Section 6.23.j: “Capitalization”</p> <p>More? Really? The \$40K I originally borrowed has capitalized over and over and is now showing a principal due of \$178,063.45 with \$47,378.90 in unpaid interest. I’m going to be 60 in July. Are we really going to continue to capitalize these loans?</p> <p>Section 8.6: Interest rate</p> <p>Does this mean the same interest rate will apply? I’ve been locked in at 8.25% since 1982</p> <p>Section 8.7 Payment of Interest</p> <p>Will we be consolidating into a direct subsidized or unsubsidized consolidation loan? Do we have a choice? Which is more advantageous?</p> <p>Unsubsidized seems to accrue interest in almost every scenario. Is the SAVE Plan an option for both subsidized and unsubsidized loans?</p> <p>Section 10 Repaying</p>	<p>the end of a deferment period). This capitalization is required by law. If a joint consolidation loan has an outstanding unpaid interest balance at the time the loan is separated, federal regulations specify that the unpaid interest becomes part of the principal balance of the borrower’s new Direct Consolidation Loan.</p> <p>The JCLSA specifies that the interest rate on a borrower’s new individual Direct Consolidation Loan will be the same as the interest rate of the joint consolidation loan before it was separated.</p> <p>A Direct Consolidation loan may have up to two components, subsidized and unsubsidized, that are determined based on the types of loans that are repaid by the consolidation loan. A borrower who applies for a Direct Consolidation Loan may not choose between subsidized and unsubsidized.</p> <p>The repayment terms for Direct Consolidation Loans are determined by federal law and regulations and cannot be changed.</p>	

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>These are terms of 10 - 30 years, and most of us are in our 50s, 60s, and 70s.</p> <p>Are we going to pay these until we die, even though we have already carried these loans since age 17 in most cases?</p> <p>Income Driven Repayment (IDR) - this is based on family size and income, but does not take into account those of us caring (financially and otherwise) for family members with medical issues who cannot work, drive or contribute.</p> <p>Will expenses be factored into the equation?</p> <p>In the interest of paper reduction and efficiency, does it make sense to gather the following information at this time:</p> <ol style="list-style-type: none"> 1) First generation college attendees 2) Pell Grant Recipients 3) Bankruptcy 4) Spousal abuse 5) Age of loans 	<p>Other comments are outside the scope of this information collection.</p>	

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		6) Age of borrowers 7) Loan balance today versus amount originally borrowed 8) Medical conditions 9) Dependent or close family with medical conditions		
0025	Anonymous	<p>The following note located on Page 7, Section 8 of the Combined Application states:</p> <p>NOTE: Amendments to the Act may change the terms of this Note. Any amendment to the Act that changes the terms of this Note will be applied to your loan in accordance with the effective date of the amendment. Depending on the effective date of the amendment, amendments to the Act may modify or remove a benefit that existed at the time that you signed this Note.</p> <p>Who in their right mind would sign a contract knowing that the terms of the contract can be changed in the future and any changes will likely harm the borrowers? JC Loan borrowers have lived with the detrimental effects of changes made to the</p>	<p>This is standard language used in all federal student loan promissory notes. Similar language was included in the promissory notes that were used to make joint consolidation loans. This language is necessary because future changes to federal law or regulations may modify or expand upon the loan terms and conditions as described in the promissory note. The Joint Consolidation Loan Separation Act (JCLSA) is an example. The original promissory notes that were used to make joint consolidation loans stated that these loans would always be joint debts regardless of any change in the marital status of the co-borrowers, but the JCLSA modified this requirement by allowing joint consolidation loans to be separated under certain conditions.</p>	No

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		HEA when Congress covertly struck Joint Consolidation Loans from statute in 2006 leaving us with no regulatory protections and requiring us to fight to get a new law passed in Congress that neither Congress wants to fund and Dept of Education want to implement. This is not fair and it isn't at all just.		
0026	SpousalConsolidation.DoUsPart!	(comments are in a separate document)	(responses are in a separate document)	
0027	NCHER and SLSA	<p>Comment</p> <p>Effective July 1, 2024 [new regulation 685.209(k)(4)(vi)(A)] underlying qualifying FFELP loan payments count towards forgiveness on a Direct Consolidation loan. The qualifying payments include those made under 682.209(a)(6)(vi) and 682.215, which includes the following payments on or after July 1, 2009:</p> <ul style="list-style-type: none"> • Standard 10-year period payments • Payments under an IBR plan, including: 	<p>We will modify the language in Section 6, Item 23.G to read as follows:</p> <p>G. If I am applying to separate a joint Federal Consolidation Loan into a new Direct Consolidation Loan and I choose to repay my Direct Consolidation Loan under an IDR plan, the following will count as qualifying payments toward IDR loan forgiveness on my new consolidation loan: (1) any payments made on or after July 1, 2009 on the joint Federal Consolidation Loan under the IBR Plan, the Standard Repayment Plan with a 10-year repayment period, or any other repayment plan if the payment amount is not less than an amount calculated for a 10-year</p>	Yes

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<ul style="list-style-type: none"> ○ partial financial hardship (PFH) payments ○ permanent-standard payments ○ standard-standard payments ○ expedited-standard payments ● Other plan payments (Graduated, Extended, ISR, Alternative) not less than standard-standard payments, and ● Periods of Economic Hardship Deferment (EHD) on or after July 1, 2009 <p>Proposed Change</p> <p>Edit section 6, item 23.G. for clarity to reflect the regulatory provisions to read:</p> <p>G. If I am applying to separate a joint Federal Consolidation Loan into a new Direct Consolidation Loan and I choose to repay my Direct Consolidation Loan under an IDR plan, any payments made <u>on or after July 1, 2009</u> on the joint Federal Consolidation Loan under the IBR Plan or the Standard Repayment Plan with a 10-year repayment period <u>or other plans</u></p>	<p>repayment period based on the loan balance outstanding when I entered repayment on the joint Federal Consolidation Loan; or (2)_any months on or after July 1, 2009 of economic hardship deferment on the joint Federal Consolidation Loan.</p>	

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p><u>(i.e., Graduated, Extended, Income-sensitive) not less than an amount calculated for a 10-year repayment period based on the loan balance outstanding when I entered repayment on the joint Federal Consolidation Loan or any months on or after July 1, 2009</u> of economic hardship deferment on the <u>joint</u> Federal Consolidation Loan, will count as qualifying payments toward IDR loan forgiveness on my new consolidation loan.</p>		
0028	James Achuff	<p>General: Define Borrower and Co-Borrower or call them both Co-Borrower.</p> <p>Application Section 1: Driver's license State and Number seems unnecessary information as does Employer's Name, address and work phone number.</p> <p>Application Section 2: Should require exactly the same information as in Section 1 with the caveat that if filing as a separate application what minimal information is required.</p> <p>Application Section 3: This is unnecessary.</p> <p>Application Section 4: It will be truly interesting to see what proportion the Department is able to come</p>	<p>We will revise the form to clarify the terms “borrower” and “co-borrower.”</p> <p>It is standard practice on federal student loan promissory notes to collect driver’s license and employer information. This is used to help locate the borrower if the Department is unable to reach the borrower by other means. The employer is not contacted during the application process.</p> <p>Section 2 (co-borrower information) does not collect driver’s license and employer information because that information would be collected on the separate application submitted by the co-borrower (if the two</p>	Yes

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
		<p>up with. I know what mine should be, but many of us who have these loans probably don't and I suspect that neither do the servicers.</p> <p>Guidance for those eligible for PSLF needs to be clear and concise. None of us wants to risk the chance that our application will be delayed or rejected or that our chances for forgiveness will be ruined if we make an incorrect choice.</p>	<p>co-borrowers both submit applications to separate the joint debt).</p> <p>It is established practice for all federal student loan promissory notes to require references. As explained in the instructions, references may be contacted to assist in locating the borrower if the Department is unable to reach the borrower by other means. References are used only for this purpose. They are never held liable for repayment of the loan and are not contacted as part of application process.</p> <p>Guidance on the one-time income-driven repayment account adjustment and Public Service Loan Forgiveness (PSLF) can be found on StudentAid.gov. Because the one-time account adjustment is a temporary benefit, it is not covered on the form.</p>	
0029	SpousalConsolidation.DoUsPart!	(comments are in a separate document)	(responses are in a separate document)	
0030	Student Borrower Protection Center, et al.	(comments are in a separate document)	(responses are in a separate document)	

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
0031	Student Borrower Protection Center	(comments are in a separate document)	(responses are in a separate document)	
0032	Dawn Baker	It is imperative that payments made on “joint direct consolidation loan” will count toward the ten year Public Service Loan Forgiveness.	This is addressed in Section 6, Item 23.I.	No
0033	Anonymous	I was under the impression that once separated we would still be eligible for the one time adjustment that was granted to borrowers last year (IDR forgiveness count) yet I see no mention of this in that section. Why? Also what’s the point of references for something that we already have been paying for years. Third requiring a married couple to file two forms instead of one jointly seems counterproductive, as well as messy with a larger chance of error	Guidance on the one-time income-driven repayment account adjustment and Public Service Loan Forgiveness (PSLF) can be found on StudentAid.gov . Because the one-time account adjustment is a temporary benefit, it is not covered on the form. It is established practice for all federal student loan promissory notes to require references. As explained in the instructions, references may be contacted to assist in locating the borrower if the Department is unable to reach the borrower by other means. References are used only for this purpose. They are	No

60-DAY COMMENTS
ED-2024-SCC-0005

Comment #	Commenter Name	Comment	FSA Response	Change to ICR or Form
			<p>never held liable for repayment of the loan and are not contacted as part of application process.</p> <p>If both joint consolidation loan co-borrowers wish to separate the joint debt into individual Direct Consolidation Loan, it is necessary for each individual to submit a separate application because the application also serves as a promissory note for the new Direct Consolidation Loan. Because the new consolidation loans are no longer joint debts, each individual must sign a separate application and promissory note.</p>	