

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
NEGOTIATED RULEMAKING
REIMAGINING AND IMPROVING STUDENT EDUCATION (RISE)
SESSION 1, DAY 2, AFTERNOON
September 30, 2025

On the 30th day of September, 2025, the following meeting was held in-person, from 1:00 p.m. to 4:00 p.m.

P R O C E E D I N G S

MS. WEISMAN: Good afternoon, and welcome back to this afternoon's part of the day. We have all of our primary negotiators in their seats and the Department is ready to go. So, since there are no cards up at this time, I'm going to turn it back over to Tamy.

MS. ABERNATHY: Thank you, Annmarie. Thank you guys for coming back from lunch. We appreciate it. We had a very robust conversation going through many of the questions that we had today from our morning session, and the additional questions that you all were so gracious enough to already start turning in, and some of the additional information that you're sharing with us. I would like to first go over the remainder of the -- not the questions, but the actual other pieces of things that you've submitted. So we'll wait because Bob's not here at the moment to go over his. Ashley and Tamar, we have your data request. We have forwarded that through the channels, and we should -- as soon as we get that back, we will go ahead and circulate that out. So, we did receive it, so thank you so much. I always like it when things work out just like they're supposed to. Deborah, we got yours twice. We're not going to answer your question twice, your -- the one that you submitted earlier today. So we just wanted you to know that we got

it twice. I'm just kidding. I was happy when I saw it, I was like, oh, wait, we answered all these. So it was kind of a nice little welcome. We have -- so Emeka is not here either. So we'll wait to answer that one. And I think we have our two hypothetical questions. But I've lost one of them. So yeah, we're not going to answer those right now, so we're okay. We are going to put -- Tamar, your question that you submitted in -- with what Ashley was saying about the cases where borrowers are placed in a Tiered Standard where the balance places them in a repayment plan and no longer than ten years, can they make payments not less than -- so with -- about the PSLF question, you submitted that to us, we're going to table that. Talk about that a little bit later. We think some of the questions and comments that came in, not the hypothetical questions that you guys are circulating to us, but some of the other questions that you had during the last session, we believe will be answered when we go through the Repayment Assistance Plan provisions. So we kind of left it where we had just really talked about the Tiered Standard and that particular piece, and the rest, you know, standard, extended, and graduated. We didn't really get into what was changed in DL, and that's another point that we wanted to mention. We also note that when we discussed 682.215, those were FFEL

provisions. Those FFEL provisions -- I think there was a little bit of confusion about interest capitalization and the things that are, are not included. And because we had not gone into the Income Driven Repayment Plan sections where capitalization was removed for certain events and kept for others, there may have been some confusion around that. And so I just wanted to point out that it's -- when we're talking about FFEL in the 682 provisions, that's different from the 685. And so I would need to make sure that we all understand which provisions, provisions we're talking about so that we don't get confused, because this stuff is really complicated. And we don't need any more confusion where that's concerned. We have enough already. And so we also are going to take back to discuss the dual degree and the military component of it. We did do a little bit of research at lunch, and we decided that it was too big of an issue for us to try to navigate through with the remainder of the questions and the remainder of the other items that you had submitted for us to consider. So we're going to take that back. We also are going to take back the fixed repayment plan under 685.209 where we were talking about entering repayment versus when the loan was either made or disbursed. We're going to fix that, but we need time to look at the regs and come back with additional

proposed regulatory amendatory text for you to consider. So I'm not sure if we'll have that tomorrow or it might be later in the week. So thank you for that as well. We will clarify -- we believe that through our next reg text changes that we will clarify some of the Parent PLUS Loan confusion in 685.210 or 685.212 -- 211, excuse me. We'll clarify some more of these changes for Parent PLUS, and that might assist with the additional questions that are out there. So we're not going to answer those right now. Should we not answer those, please feel free to ask them again. I know you will, but make sure that we get all of your questions answered. For the part of the regulations where there was question about the total amount of the loans, and you asked us to consider reg text, we are going to go back and add language that says it's the total amount of loans being repaid under the repayment plan. So we'll either specify under the Tiered Standard Plan or we'll say under the repayment plan. But we will be adding clarifying language around that. So thank you for bringing that to our attention. And 682.215, we will be swapping adjusted gross income and putting the clarifying borrower -- I think this was Alex Holt's request, where we're going to change that language. We're not changing what it means, we're just changing, basically the clarification of the adjusted gross income

of borrowers. We, we have declined to define aggregate monthly payment. It really is in there once. And so we don't believe that we really need to define that. Again, I talked about the capitalizing events. We're going to be reviewing those particular provisions and making sure we provide greater clarity, clarity to you guys. We also are not sure on the cross-reference. We need to look at that a little bit further. So give us a little bit more time to look at that if you would. And then we can come back to that when we have figured all these things out. As you, I imagine, are feeling like we are, it's a lot of information and we want to make sure that we get through the Repayment assistant -- Assistance Plan today, for sure. I don't think there's anything outstanding. Bob, we have your proposal of the language that you submitted, and I'm happy to report that we have already discussed the professional degree information that you submitted, and you've gotten a little ahead of yourself. This is only about RISE. So the other pieces and parts that are in your proposal really are more for the next table. So please be sure to submit those for AHEAD. And we'll just stay in our little lane here. So thank you for that. Emeka's still not back, so we'll keep this out. When I see him, I may reply to that so that we can keep moving through the rest of the agenda.

MS. WEISMAN: Jeff?

MR. ANDRADE: So, Bob, I'll take -- I'm working with both committees, so I'll take your comments over to the AHEAD Committee.

MS. ABERNATHY: Just getting a little ahead of himself.

MR. CAREY: Me? Never.

MS. ABERNATHY: Alright. Let me make sure that I am in the right spot. I believe we will need to put up on this wonderful screen -- we will be going over the issue paper that was 68 -- 682.215 and 685.209, which would be -- it says Income Driven Repayment, but it is about the IBR. Let me grab my issue paper out as well, so I can make sure that I have it in front of me. I'm sure it's here somewhere. Alright. 685.209, Income Driven Repayment. Almost there, I promise. The pages got mixed up. Okay. Sorry? What page? We will be starting with -- hold on, let me put my glasses on. 11. How about that? Glad everyone else can see it (inaudible) see it. Let me know when you guys are all set. We're good? Alright. Okay. This particular instance we have, obviously, under (a) we have changed from 4 to 5 because we have another plan. We are creating the Repayment Assistance Plan in our regulations. So therefore, that has to be enumerated to five. Under (b), for the purposes of this section, the

following terms apply, applicable amount under IBR and Pay As You Earn Plans. This means 15% of the result obtained by calculating on at least an annual basis, the amount of the borrower's adjusted gross income and the borrower's spouse's adjusted gross income if married filing jointly, that exceeds 150% of the poverty guideline for new borrowers as defined in this section, repaying under an IBR or pay 10% will be the sub -- will be substituted for the 15% -- for 15% in the calculation. Anmarie, I think there's a question.

MS. WEISMAN: Ashley?

MS. NAPORLEE: I feel like how this is worded is confusing since under PAYE it's never 15%, it's always 10. And so, having to cross-reference that with new borrowers and looking two different places might be confusing.

MS. ABERNATHY: So I think how we did that was it respective to IBR first and then PAYE, so I see how that could be confusing. So what we can do is take that back. Our intent was to say IBR and PAYE. I think we meant IBR, and then we talk about the 15 and then PAYE. That is probably confusing. So we'll take that back and definitely take a look at that. No other questions? Okay. Base payment. Under the -- oh -- sure? Okay. Base payment. Under the Repayment Assistance Plan

means the amount of applicable base payment for a borrower with an adjusted gross income of, and we list out here not more than \$10,000, it's \$120. And it goes through this sliding scale all the way down to the percentages. I don't feel like we should read them all. They're right there for you. But I will. If you want me to read every single one of them, I will. But I'm thinking that that kind of gets you where we need to be. We're going down the scale. And then when we get to number three, it talks about the dependent. And for the purposes of the Repayment Assistance Plan, this means an individual who qualifies as a dependent under section 152 of the Internal Revenue Code of 1986, as amended, and who were claimed on the borrower's Federal income tax return. For a borrower who filed a Federal tax return as married filing separately dependent shall include -- only include the dependent's claimed on the borrower's return, and then four was enumerated for discretionary income. And I'm seeing things up, so we'll just stop there for a second.

MS. WEISMAN: We'll start with Alex Holt.

MR. HOLT: Just a slight suggested change for the base payment definition. You say means the amount of the applicable base payment for a borrower with

an adjusted gross income. I recommend striking for a borrower. You have already defined above that it's a borrower or a borrower and a borrower's spouse. So now you would need to either say for a borrower and a borrower's spouse again, or you -- I think you can delete it. But, you know, that's up to you.

MS. ABERNATHY: We will mark that and take a look at that. Thank you so much.

MS. WEISMAN: Scott?

MR. KEMP: Yeah. So to clarify, on the first one, not more than \$10,000 is \$120. Is that \$120 for a year divided into 12, or is that \$120 a month? Because, because the math doesn't work out. Because if you're looking at the next category, 1% of adjusted gross income would be \$100. So actually, the next year -- so is the \$120, is that annual or is that per month?

MS. ABERNATHY: It's an annual amount. So it's the \$120 divided -- it's the \$10,000 divided by 12, which is \$120.

MR. KEMP: Right. But it just -- it didn't seem clear because all the rest, 1% of \$10,000 is \$100, and that would be 100 a month, correct?

MR. HOLT: Well, it's one --

MS. ABERNATHY: Yeah --

MR. KEMP: Oh, help me with my math

here.

MR. HOLT: Yeah, it's just --

MS. WEISMAN: Alex, and then Deborah.

MR. HOLT: So, just -- it's \$120 per year, which is \$10 per month, so I agree that it should \$120 per year. When you get to a percentage, it doesn't matter whether you say per year or per month, because it's always a percentage.

MS. ABERNATHY: We will clarify, how about that? And that way we can be specific on that. Thank you for that suggestion. We don't want anyone confused. Any other comments, questions before we move on?

MS. WEISMAN: Faisal?

MR. SULMAN: Question. If the amounts indicated here, the monetary amounts, could be indexed to annual inflation?

MS. ABERNATHY: These are statutory, and I don't believe we have any discretion on indexing anything to inflation at this point.

MS. WEISMAN: Jacob?

MR. LALLO: Yeah, given that the HEA does clearly index certain things to inflation, the absence of any explicit indexing here indicates that we don't have any discretion. Thank you.

MS. ABERNATHY: You ready to go on? Alright, we'll move up. Let's see. I think we've talked - - okay, there we go. Perfect. We've talked about dependent. Alright, eligible loan. For the purposes of determining -- here we go again with the partial financial hardship, the applicable amount, and for adjusting. So we've just changed that in five. And you come down to one, we've taken -- we've put in the words and accepted consolidation loan where we say a Direct Consolidation Loan that repaid a Direct PLUS Loan or a Federal PLUS Loan made to a parent borrower, that is now defined as an accepted consolidation loan. And so in three -- in romanette two, we say the same thing where we're inserting the correct language there. And then in (6), we define what an accepted consolidation loan means. Under romanette one paragraph (a), a FFEL or Direct Consolidation Loan, if such consolidation loan repaid a FFEL or Direct PLUS Loan made to a borrower on behalf of a dependent student, or a FFEL or Direct Consolidation Loan that repaid a FFEL or Direct Consolidation Loan described under paragraph (b) (6) romanette one capital A of this definition that repaid a FFEL or Direct PLUS Loan made to a borrower on behalf of a dependent student. In romanette two, between July 4, 2025, through June 30, 2029, excludes the loan described under paragraph

(b) (6) (1) capital A or capital B of this definition that was being repaid under the ICR, PAYE, or IBR repayment plans for the purposes of paragraph (b) (6) romanette two of this definition, being repaid means at least one payment was made under the ICR, PAYE, or IBR repayment plans. We could go to seven. Are there --?

MS. WEISMAN: Ashley?

MS. NAPORLEE: Sorry, I just wanted to clarify, were the REPAYE and SAVE Plans intentionally kept out of this section?

MS. ABERNATHY: Well, REPAYE and SAVE is enjoined, and this is new language, so REPAYE and SAVE would not be included in this. They are enjoined in litigation. So right now, what we are drafting are the current regulatory -- the current repayment plans, and the current repayment plans are these right now through 2028, and then ICR will fall off.

MS. NAPORLEE: Okay. But then -- I mean, I understand they're currently enjoined, but let's suppose litigation is resolved or we get a decision from the courts. Is this going -- and it changes where things currently are, does that, does that factor into it?

MS. ABERNATHY: It will not change where those currently are. We are still in the same litigation. We have not finalized or reached an

agreement. And so even though these are the -- this is the rule of record and you will see SAVE and REPAYE peppered throughout these regulations, it is because it is -- continues to be the rule of record until we get a final determination. At such time, what would typically happen is we would revert back to the prior rule. We can't do that. We're in the middle of negotiations, and for this purpose, we have to use that rule of record, so it does get slightly confusing. So we will not really speak to SAVE or REPAYE, even if they are in these regulations, they've been enjoined. And so until that litigation is finalized and we know what to do with the regulatory text, we have to keep it in here for right now. So I know that can be confusing. Emeka, we have answers to your questions. I just have to find them quickly. Thank you for joining us back from lunch. When I find them, I will let you know what those answers are. I said I would keep them out, and now I can't find them. So give me just a little bit to find them, and we'll go ahead and get those answered for you. Any other questions? Can we move on to eight -- seven? Excuse me, we're at seven. Accepted loan means any outstanding loan that is a Federal Direct PLUS Loan made to a parent borrower on behalf of a dependent student, or romanette two, a Federal Direct Consolidation Loan if it repaid an

accepted PLUS Loan as defined in this section, or an accepted consolidation loan as defined in this section. We'll go on to eight. Accepted PLUS Loan means any outstanding loan that is a FFEL or Direct PLUS Loan made to a borrower on behalf of a dependent student. Family size means for all IDR Plans except the Repayment Assistance Plan, the number of individuals that is determined by adding together -- going to list the rest of that there. And then we enumerate the paragraphs (10), (11), (12). Under (12), monthly payment or the equivalent, we say under PAYE, ICR, and IBR plans. (13), new borrower we enumerate and then we update the paragraph designations that are referred to under paragraph (b), and then in romanette two, we talk about the loan program before July 2014 -- July 1, 2014, and obtains no new loan on or after July 1, 2026. And then it says -- again, it clarifies that -- or who has no outstanding balance on such loan on the date the borrower obtains a loan after July 1, 2014, but before July 1, 2026. So do you -- okay, we've got questions.

MS. WEISMAN: Ashley?

MS. NAPORLEE: Not to harp on something I said previously, I'm just concerned that we're leaving out REPAYE and SAVE when they're -- I know the plans are enjoined. But we still have borrowers who

are enrolled in those plans, and so it just concerns me to not reference them.

MS. ABERNATHY: We're not able --

MS. NAPORLEE: It's more of a comment than anything.

MS. ABERNATHY: I appreciate that comment. We're not able to make any changes around that. Sorry. Anything else? Okay. Okay. We've removed partial financial hardship. Now we move down to poverty guidelines. We've enumerated that. We've enumerated support, (14), (15). We have under (c) paragraph (1), added (d) (2) and (d) (4) of this section. In paragraph number (2), through June 30, 2028, a Direct Loan borrower who has not received a Direct Loan on or after July 1 must repay under -- here you actually see repay -- but that's because we actually have to change this right now. So provisions that we have to change will change. But adding new things, we will not. Romanette one under (3), we removed partial financial hardship and elects to have their aggregate monthly payment amount recalculated, not to exceed the applicable amount. This also says when the borrower initially enters the plan. So we will have to make a note for 685.209 (c) (3) to look at that in romanette one like we are looking at it in the corresponding 682.215, I think is where that was, for the

initially entering repayment plan. Romanette two are no changes. Romanette -- paragraph (4), through June 30, 2028, a borrower may repay under PAYE, and it, it lists romanette one, two, and three. It changes from partial financial hardship to elects to have their aggregate monthly payment amount recalculated to not exceed the applicable amount. And then we remove the and. We add the and in four and add a romanette five, has not received a Direct Loan on or after July 1, 2026. And (5), we put clarifying language that adds and through June 30, 2028. We remove the "and", put it on paragraph B, add a paragraph C, has not received a Direct Loan on or after July 1, 2026. Romanette two capital A, through June 30, 2028. And we add a paragraph (b) that says, paragraph (c) (5) romanette two capital A of this section shall not apply if that borrower received a Direct Loan on or after July 1, 2026. And romanette three a adds through June 30, 2028, a borrower, continues. Paragraph, paragraph (b) says paragraph (c) (5) romanette three capital A of this section shall not apply if that borrower received a Direct Loan on or after July 1, 2026. Any direct, any Direct Loan borrower, borrower may repay under the Repayment Assistance Plan if the borrower has loans eligible for repayment under the plan. Seven, transition from Income Contingent Repayment Plans before July 1,

2028, a borrower repaying Direct Loans under the PAYE and ICR Plan, respectively, under paragraphs (a)(1), (a)(3), or (a)(4) of this section, or who is an adminis -- is on and -- I think we need -- it says is in an administrative forbearance as defined under 68 -- section 685.205(b), associated with PAYE or ICR must elect to repay those Direct Loans under one of the following repayment plans for which they are otherwise eligible before July 1, 2028. And that talks about the Repayment Assistance Plan and it lists this paragraph, cross-reference. It talks about the IBR Plan. Same thing of this section. The Standard Plan, the Graduated Repayment Plans, the Extended Repayment Plans. And it gives specificity under section 685.208 (b)(1), (5), (3) or (b)(4) or (6). So it's (1), (2), (3), (4), (5), (6) under those paragraphs. And through June 30th, the PAYE and the ICR Plans respectively under (a)(3) and (a)(4) of the section, romanette one romanette two, a borrower who elects to repay their loans under paragraph (c)(7) of this section shall begin repaying under the terms of their elective repayment plan on July 1, 2028, and notwithstanding the foregoing, the borrower may elect to repay their loans earlier than July 1, 2028. Romanette three, in the case of a borrower who does not select a repayment plan under (c)(7) romanette one of this section by July 1, 2028, the

Secretary shall require the loans to be repaid under the following repayment plans: Either the Repayment Assistance Plan under (a)(5) of this section for the Direct Loans, or the IBR plan under (a)(2) for the Direct Loans that are ineligible to be repaid under the Repayment Assistance Plan. And paragraph (b), the Secretary will require the borrower to repay their Direct Loans that are in repayment status in PAYE or ICR, or an administrative forbearance associated with PAYE or ICR Repayment Plan under the terms of the applicable plan under paragraphs (c)(7) romanette three capital A, 1 or 2, of this section on July 1, 2028. Questions? Comments?

MR. HOLT: Alex Holt?

MR. HOLT: Seeking a clarification related to accepted loans, Parent PLUS Loans based on the statute. If a -- if one of these PLUS Loans is not currently enrolled in ICR, but wants to get into IBR before the, you know, the cutoff date basically, the clarification I'm seeking is, do they have to enroll in ICR first or can they enroll directly into IBR? Does that make sense?

MS. ABERNATHY: It does.

MR. HOLT: And is that statutory basically?

MS. ABERNATHY: We have Eric. Eric

Hardy from FSA joining us again.

MR. HARDY: Eric Hardy, FSA. Yeah, they do have to enroll in ICR first and make one payment under the ICR plan, and then they can switch to IBR.

MR. HOLT: Okay, I guess I just want to check if that's a statutory requirement.

MR. HARDY: I'll defer to my colleagues.

MR. LALLO: It's statutory.

MR. HOLT: It is?

MR. LALLO: Yeah.

MR. HOLT: Alright.

MS. ABERNATHY: It is.

MR. HOLT: That's annoying.

MR. LALLO: Sorry. Take it up with Congress.

MS. WEISMAN: Ashley?

MS. ABERNATHY: We appreciate that, Alex.

MS. NAPORLEE: So my reading of the statute is that that's not included. Do you have a reference you can provide because that's not what I -- how I read the statute.

MR. LALLO: Yeah. Give me just a second.

MS. NAPORLEE: Okay. Thank you. You didn't have to do it this moment, but whenever you can.

MS. ABERNATHY: Are we good so far? Okay. And there's more text on the screen. Here we go. So now we're talking about paragraph (d)(1), we've added through June 30, 2028, the following -- we're removing did not repay a Direct PLUS Loan or Federal -- a Federal Parent PLUS Loan or not accepted consolidation loans. (2), we add the same language. (3), the same language with clarifying date through June 30, 2028. Paragraph (4), we talk about the following loans, including defaulted loans, are eligible to be repaid under the Repayment Assistance Plan. Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans made to a graduate or professional students, and Direct Consolidation Loans that are not accepted. Consolidation loans. Notwithstanding the conditions under paragraphs (d)(1) through (d)(3) of this section, only Direct Loans made before July 1, 2026 may be repaid under the PAYE, IBR, and ICR Plans. Now we're going to talk about treatment of income and loan debt. For the purposes of calculating the borrower's monthly payment amount under the Repayment Assistance Plan -- and I know it says REPAYE here, IBR, and PAYE. Then we don't have any other changes until we get all the way down to romanette three.

For the Repayment Assistance Plan, only the borrower's loan debt that is eligible to be repaid under the plan is included for the purposes of calculating the borrower's monthly payment amount, as described in paragraph (f)(5) of this section. Monthly payment amounts. Nothing has changed until we add information here about -- in paragraph (2), romanette two, except that the borrower may repay such loans in excess of ten years. And then in romanette two under (3), the same thing, except that the borrower may repay such loans in excess of ten years. We add paragraph (5), for the Repayment Assistance Plan, the borrower's applicable monthly payment is an amount equal to romanette one the borrower's applicable base payment divided by 12, less \$50 for each dependent of the borrower. Under adjustments to monthly payment amounts, we can go all the way down until we get to paragraph (3). Monthly payment amounts calculated under paragraph (f)(5) of this section will be adjusted in the following circumstances: In cases where the borrower's monthly payment amount calculated under paragraph (f)(5) of this section is less than \$10. The monthly payment amount is \$10, except that a borrower's final payment may be less than \$10. Paragraph (b), in cases where the borrower's total outstanding balance on all loans being repaid under the Repayment Assistance Plan is less than the applicable

monthly payment amount, as calculated under paragraph (f) (5) of this section, is less than \$10, the applicable monthly payment shall be the total outstanding balance. Interest, paragraph (4). Under the Repayment Assistance Plan, during all periods of repayment on all loans being repaid under the Repayment Assistance Plan, the Secretary does not charge the borrower's account interest that is not covered by the borrower's payment for that month. And we have no changes under changing repayment plan. And then we have interest capitalization where we have clarified under the Repayment Assistance Plan in number (1). And we have a question?

MS. WEISMAN: Alex Holt?

MR. HOLT: I've just set a timer to make sure I can ask a question in a certain amount of time. I'm just kidding.

MS. ABERNATHY: Oh, I was like, what? There's a timer? Where is it?

MR. HOLT: No. Okay.

MS. ABERNATHY: You have 30 seconds.

MR. HOLT: I just wanted to flag for the Department a hypothetical that I sent earlier today under this section.

MS. ABERNATHY: Yes. Thank you. We have that. And what we're doing with those questions is

we want to flesh them out. We do not want to sit here and do that at the table. That is not the best use of your time or our time. It could be quite confusing to our public. We think the best way to do that is when we are in our closed session on Thursday for us to actually literally walk through those after we've had a chance to make sure we have them right and following the steps. And we'll also have our operations team with us to help us walk through these. You know who I'm talking about. Eric Hardy from FSA. We have others here as well. But you know, we want to make sure when we're going through these things that we do not rush the process of understanding exactly what these hypothetical questions are asking us when -- every single piece of it. So that's why we chose to -- have you keep giving them to us. We're collecting them. We're going to work through them. We're going to go over them. Alright. Forgiveness timeline in (k). We are just simply changing paragraph (4) to say PAYE, ICR, and IBR Plans, and in (1) romanette one paragraph (a), notwithstanding paragraph (k)(4)(1), capital B of this section, making a payment under an IDR Plan, or having a monthly payment obligation of zero for the IBR Plan only making a payment on or before June 30, 2028 under the PAYE or ICR Plan, or having a monthly payment obligation of zero, and then we have no other additional changes

until paragraph (7). In the case of a borrower repaying under the Repayment Assistance Plan, the borrower receives forgiveness of the remaining balance of the borrower's loans after the borrower has satisfied 360 monthly payments or the equivalent, in accordance with paragraph (k) (8) of this section, over a period of at least 30 years. For a borrower, borrower repaying at least one loan under the Repayment Assistance Plan, to qualify for loan forgiveness, the borrower must have, (a) participated in the Repayment Assistance Plan during any period, (b) made their final payment under Repayment Assistance Plan prior to loan cancellation, and made 360 qualifying monthly payments, which includes any of the following: An on-time monthly payment. Sorry, I lost my - - an on-time monthly payment made by the date the payment is due for that month, in accordance with paragraph (f) (5) of this section. Number (2), an on-time monthly payment made by the date the payment is due for that month under the Tiered Standard Repayment Plan in accordance with 685.208(c) (1). (3), a monthly payment under any other repayment plan, excluding the Repayment Assistance Plan of not less than the monthly amount that would have been required under a Standard Repayment Plan amortized over a ten-year period. Paragraph (4), a monthly payment under the IBR Plan, in accordance with

this section of not less than the monthly payment required under the plan, including the minimum payment permitted under that plan. (5), prior to July 1, 2028, a monthly payment amount under PAYE or ICR Plan under this section of not less than the monthly payment required under the applicable plan, including the minimum payment permitted under such plan or (6), prior to July 1, 2028, a monthly payment under an Alternative Repayment Plan in accordance with 685.221 of not less than the monthly payment required under the plan, including the minimum payment permitted under the plan or -- oh my, (7), a month when the borrower received an unemployment deferment, as provided under 685.204(f), or economic hardship deferment as provided under 685.204(g). A month that ended before July 1, 2026, when the borrower did not make a payment because they were in a period of deferment or forbearance, as follows, and it enumerates the forbearances and deferments for which count toward that. (h), okay. Alright. We have made corresponding changes here where it's a borrower and their spouse, if applicable. We have updated the statutory citation to read 494(a)(2). We've added if their spouse, if applicable. Again, the statutory change, we've added to the Secretary after the end of that sentence, and then romanette one for the Income Based Repayment Plan of the

borrower's income and family size, or romanette two for the Repayment Assistance Plan, the borrower's income and the number of dependents of the borrower. And number three, we take out AGI and family size and add tax information. We take out and if applicable, the borrower's spouse, and we put in parents, and their spouse, if applicable. Must provide documentation to the Secretary. And we're saying for the Income Based Repayment Plan for the borrower's income or the Repayment Assistance Plan, the borrower's income and the number of dependents. Then we go all the way down to -- we'll just finish --

MS. WEISMAN: Can we go to Ashley first? Or do you want to finish this?

MS. ABERNATHY: (inaudible) well, we can stop at four, Ashley. We'll stop at five.

MS. NAPORLEE: Sorry, I may have missed it just because there's a long list, but for the section about -- under eight. Or at least one loan under the (inaudible) plan, do payments made under REPAYE, are -- that's included as a qualifying payment towards forgiveness under RAP?

MS. ABERNATHY: I'm sorry. Say that again.

MS. NAPORLEE: Do payments borrowers

made under REPAYE plan qualify as a -- or count as a qualifying payment towards forgiveness under RAP? I don't know if that was enumerated in that long list. I know you mentioned IBR and other -- the other IDR Plans, but I wasn't sure if REPAYE was included. And if it's --

MS. ABERNATHY: So payments under -- I'm sorry, I'm missing something on your question.

MS. NAPORLEE: So it says to qualify for loan forgiveness, a borrower must have, and this is under the Repayment Assistance Plan and enumerates (inaudible).

MS. ABERNATHY: Right. So you're saying are prior payments under SAVE or REPAYE counted under here?

MS. NAPORLEE: Correct. And if not, why not?

MS. ABERNATHY: They are. They are.

MS. NAPORLEE: Okay. Is that --

MS. ABERNATHY: I don't know that we're going to enumerate that there at this point because of the litigation. So we may have to work on adding something there. I don't know about that. So we can take that back and figure out what we're allowed to add right now in the midst of -- hopefully the litigation is over before the second set of -- the second session, and then

we'll be able to kind of come to the table with specificity around the reg provisions as they would look with any anticipated changes due to that litigation.

MS. NAPORLEE: Okay. I would just be concerned that -- I understand the SAVE Plan is, you know, wrapped up in litigation. But borrowers who were previously enrolled in REPAYE and made payments, I don't see how any outcome of this litigation should retroactively disqualify payments made under (inaudible)

MS. ABERNATHY: We're not saying that it is.

MS. NAPORLEE: I know, but by not including that, I feel like that's --

MS. ABERNATHY: Well, we would -- if, if nothing else, we would speak to it in the preamble. I'm not sure what we're going to say in the regs is what I'm trying to say, because I don't know what we can do. So we can't really say something right now, but we do see -- we do have your point, and we definitely will take it back. Did we -- I think we stopped before that. Hold on, I think we stopped -- right there. Right. Thank you. Okay. We're in paragraph -- excuse me, in paragraph (5) romanette three, we've struck and, and in paragraph (4), we have added -- romanette four, excuse me. And family size or income and the number of dependents for the

Repayment Assistance Plan. And romanette five informs the borrower of the right of the Secretary to follow the procedures in paragraph (1)(3) of this section and in accordance with the section 493C, capital C, small c, lowercase c, (2) of the act on an annual basis to automatically recertify their eligibility for an IDR Plan, and, in romanette six, informs the borrower of their right to opt out at any time of the disclosure of the applicable tax information under section 493 capital C, lowercase c, paragraph (2) of the act and describes the process for affirmatively opting out. In (6), we add and in between income and family size, add or income and the number of dependents for the Repayment Assistance Plan. We additionally add and family size or income in the number of dependents for the Repayment Assistance Plan and strike out, not based on tax information. And then we put a period at the end of that paragraph. We removed the and on romanette two. And then we add the and on romanette three and add a romanette four, for the Repayment Assistance Plan, the borrower's required monthly payment is the amount the borrower would have paid on a ten-year Standard Repayment Plan, based on the total balance of the loans once such loans entered repayment. (m), automatic enrollment in an IDR plan. We have added after family size or income, and the number of

dependents for the Repayment Assistance Plan. And then an (n) removal from default has no changes. Other provisions, one for the PAYE Plan, Repayment Assistance Plan, and REPAYE Plan if the borrower's monthly payment amount or the monthly payment reduced under paragraph (g) (3) romanette one of this section is not sufficient to pay any of the principal due, the payment of that principal is postponed. Paragraph (2), romanette two, matching principal payment in the case where the borrower is not in a period of deferment under 684.204, or forbearance under 685.205, and the borrower's monthly payment as applied in paragraph (f) (5) romanette one of this section reduces the outstanding principal balance by less than \$50, the Secretary reduces such total outstanding principal of the borrower by an amount that is equal to, (a) the lesser of \$50, or the monthly payment made minus the amount of the monthly payment that is applied to such total outstanding principal balance.

MS. WEISMAN: Ashley?

MS. NAPORLEE: Scrolling up to section -- or (m) where it says automatic enrollment in an IDR Plan, if we propose to add language there that says auto enrollment in the IDR Plan with the lowest monthly payments.

MS. ABERNATHY: Where would you want

to add that?

MS. NAPORLEE: Automatic enrollment in IDR plan with the lowest monthly payment.

MS. ABERNATHY: The title?

MS. NAPORLEE: Yeah. We're just proposing that the -- when the borrower -- that the borrower be enrolled in the IDR Plan with the lowest monthly payment.

MS. ABERNATHY: Okay. Tell me exactly -- are you asking for that under (m) or a specific sentence in there?

MS. NAPORLEE: Let me see.

MS. ABERNATHY: Because it says results in the lowest monthly payment. So are you just asking for us to add that to the title?

MS. NAPORLEE: No, I see that it says that (inaudible) Secretary places the borrower on the IDR Plan under the section that results in (inaudible) based on that. So I think that's sufficient then. Maybe it doesn't need (inaudible)

MS. ABERNATHY: Great, we already solved it. Perfect.

MS. NAPORLEE: Thank you.

MS. ABERNATHY: Absolutely.

MR. LALLO: (inaudible) questions real

quick.

MS. ABERNATHY: We would like to go back to Ashley's other two questions quick. So I'll give it to Jake.

MR. LALLO: Alright. Very briefly, the statutory site for you is HEA section 493C(a)(2)(b). HEA section 493C(a)(2)(b). For the accepted loans. And then regarding your other question about the inclusion of REPAYE, the language in (8) already says in other repayment plans or enrolled in any other repayment plans, so that would already capture that. Regardless of, you know, what happens with that litigation, we don't feel that we have to enumerate that there.

MS. NAPORLEE: So what section was that that you were referring to?

MR. LALLO: Yeah, it was the -- scroll up a little bit. Yeah, right there. Hang on. Yeah. It's section -- sorry. I was looking at it on my laptop and lost it.

MS. NAPORLEE: Oh, number three?

MR. LALLO: Yep. Yeah. So as long as a -- the borrower was enrolled in a repayment plan and was making payments under there, those payments should already be captured, regardless of whether or not they were made under REPAYE or any other.

MS. NAPORLEE: But then it says if not less than the monthly payment that would have been under the ten-year plan. So that would require a much higher monthly payment than REPAYE.

MR. LALLO: That's a fair point.

MS. NAPORLEE: Because repay was in existence in 2015, so there's plenty of borrowers who made payments under that plan before the litigation began for SAVE.

MR. LALLO: Yeah. And in that case, depending on the outcome of the litigation, we will resolve accordingly.

MS. WEISMAN: Alex Holt?

MR. HOLT: Just a question on (m).

MS. ABERNATHY: M as in Mary?

MR. HOLT: M as in Mary, on page 35. So I just want -- I'm seeking clarification from the Department. I think that under the future act you could say that there -- that auto enrollment from default into an IDR Plan is allowed, and I was wondering if that was a, like a purposeful decision to include or exclude it.

MS. ABERNATHY: I'm not sure we purposefully chose to do that. So let's take that back and ask that question. I don't know. I don't think it was intentional. I think it may be an oversight. So let us

take it back and take a look.

MR. HOLT: Okay. Thank you.

MS. ABERNATHY: You're talking about
for defaulted borrowers?

MR. HOLT: That's correct.

MS. ABERNATHY: Yeah.

MS. WEISMAN: Ashley?

MS. NAPORLEE: Sorry. Jacob, can you
repeat the citation that you had to the HEA? I wrote down
493C (a) (2) (b), but I want to make sure I got the right -
-

MR. LALLO: 493C is the section. And
then it's (a) (2) (b).

MS. NAPORLEE: (a) (2) (b). Okay.
Thanks.

MS. ABERNATHY: Are we good to go?
Okay. Alright. I believe that is the last part of this
particular discussion draft. I need just a second. I was
making sure I was on the right -- I thought I was, but
then I got -- second-guessing myself again. We have the
miscellaneous sections to go over at this point, so I'll
let you get that issue paper front and center.

MS. NAPORLEE: I'd like to just ask if
we could take a five-minute break before we move on to
the next paper, given how long this one was, so we can

digest all of the information we were just given.

MS. ABERNATHY: We could take longer than five minutes.

MS. NAPORLEE: Great. Thank you.

MS. WEISMAN: Let's do a ten-minute break and come back at 2:10.

MS. ABERNATHY: I'm all for that.

MS. WEISMAN: Welcome back from break, everyone. Thank you for returning. As we just wrapped up a paper, I'm going to turn it over quickly to -- we do have a question from Ashley before we start.

MS. NAPORLEE: Sorry, I'm more just following up on something we discussed prior to the break. We just wanted to reiterate that the, the statute doesn't require borrowers to consolidate Parent PLUS Loans to first enroll in ICR and make a payment, and then enroll in IBR. We believe that falls under the statute as written that they can immediately enroll into IBR. So we just wanted to point that out that I don't think we're statutorily bound by, by that requirement.

MS. ABERNATHY: We're going to take that back. We have another attorney in the room, and we're going to look at that. You have something to say about it or no?

MR. LALLO: Let me find the exact

statute.

MS. ABERNATHY: Give us a second. While he's looking, I'm going to go and respond to Emeka's questions. Emeka, when you submitted your questions to us on 682.215 and 685.209, the ones on page 17, the two questions, the two pieces that you have regarding REPAYE and SAVE, they are enjoined. And so right now, we will not be answering those at this moment. And then the fixed repayment plan question, we are going to get into this. We also have additional information about temporary PSLF and all those other things. We were -- we've been pulling together all the information on that, and we'll have a report out on that, whether that's today or tomorrow is, is still up in the air. Thank you.

MR. LALLO: Ashley. Can you re-ask your question, please?

MS. NAPORLEE: Regarding the parent PLUS? So, according to the statute, I don't see a requirement where Parent PLUS borrowers who consolidate are required to first enroll in ICR, make a payment before they're able to enroll in IBR.

MR. LALLO: Yeah. So our reading of that statute is that because it explicitly says was being repaid, we see that as different from being in repayment. Entering into repayment is really just a status. Being

repaid requires an actual action. And that would inherently require a payment to fit into that.

MS. WEISMAN: I'll turn it back to you, Tamy.

MS. ABERNATHY: Thank you. We did find out that the temporary PSLF program is still funded, even though it is discretionary. It is based on a first-come, first-served basis. So yes, that still is available if eligible.

MS. WEISMAN: Alex Ricci?

MR. RICCI: Is the Department able to disclose how much money is left in that TEPSLF?

MS. ABERNATHY: I'm sorry, not at the moment. I would be remiss, I haven't been part of those conversations, so I really can't speak to the amount. I just know we have some. I know the original amount was quite high and we still have some of that left, so.

MR. RICCI: Off the top of my head, I think it was two different infusions of \$350 million each. So it was a huge pot, initially.

MS. ABERNATHY: It was, and that's why I can't speak to it because there's too many numbers and I don't know, I'm sorry. If we can get that information for you, we will, but I'm not sure that that's available to us right now. Thanks.

MS. WEISMAN: Deborah?

MS. LILLY: Is there a known date for sunseting the TEPSLF program?

MS. ABERNATHY: I believe that happens when the funding runs out or additional action taken by Congress, or -- I don't want to say it's when the funding runs out. Because in case there's some other caveat that I'm unaware of at the moment. At this point, we are still -- it's still funded. It's based on a first-come, first-served basis. When that money runs out, for sure, then we would no longer have temporary Public Service Loan Forgiveness. I don't know if there is any plans whatsoever to do anything differently because it is still funded, even though it's discretionary.

MS. WEISMAN: Alex Ricci?

MR. RICCI: Returning for a moment to Ashley's question about being repaid versus in repayment, I think it's -- you're exactly right to point out that these technicalities aren't just technicalities, that it's statutory. My question for you is, does the Department read wiggle room, perhaps operationally, to make it easier for borrowers to quickly make a payment in ICR through an application or subregulatory way? Like, does it have to be -- I don't think we need to regulate it. I think we could, operationally, in an application,

make it easier for borrowers to make that one payment before transitioning.

MS. ABERNATHY: I think what we're wanting to do here, Alex, is wait until Thursday, when we can have some conversations with our operational team to make sure that we are permitted to do something operationally. I don't know that we are. If the statute says to do something a certain way, we are bound to do it a certain way. And I think we should just table that until Thursday, where we can get into more specific information on that point, if that's okay.

MR. RICCI: Yep. Thank you.

MS. ABERNATHY: We've got it on the list. Thank you. Or somebody will have it on the list. Right, guys? Alright, let's move on to the next discussion draft. It is on the miscellaneous loan repayment provisions and Public Service Loan Forgiveness. 685.210, choice of repayment plan. 685.211(a) and (d), 685.219. 685.220, and 685.221. So borrowers generally have a choice in repayment plans. They may also change to other repayment plans for which they're eligible. And under the current regulations in 685.210(a) and (b), we contain regulations of when borrowers initially selects a repayment plan and when a borrower may change repayment plans. The Higher Education Act Amendments under the bill

reflect loan repayment plans available to borrowers with loans made on or after July 1, 2026, and borrowers who received loans on or after July 1, 2026 will have access to the Repayment Assistance Plan, and borrowers with loans currently in repayment who do not receive new loans after June 30, 2026 will retain access to the existing fixed repayment plans and IBR. The Higher Education Act also limits the ability of borrowers to change repayment plans based on a date the loan was made, and borrowers will be able to switch repayment plans between Tiered Standard and RAP. And the Higher Education Act also requires borrowers with loans made on or after July 1, 2026, to repay each outstanding loan under the same selected repayment plan, except that accepted loans are not eligible for repayment under the Repayment Assistance Plan. So on the screen, you're going to see here that we're modifying the regulations. And in the paragraph (a), we are saying for Direct Loans made on or after July 1, 2026, the borrower may select between the tiered repayment plan or RAP. For loans made on or after July 1, 2026, if a borrower does not select a repayment plan, the borrower designates the Tiered Standard Repayment Plan -- the Department designates the Tiered Standard Repayment Plan. Although the regulations provide that all Direct Loans obtained by one borrower must be repaid together

under the same repayment plan, we propose a new condition under which the borrower must repay Direct Loans that are ineligible for RAP, such as Parent PLUS Loans or accepted consolidation loans separately under a different repayment plan. And second, the proposed regulatory text throughout the -- throughout paragraph (b) preserves the borrower's ability to change repayment plans for Direct Loans made before July 1, 2026. And finally, for Direct Loans made after July 1, 2026, the Department outlines conditions under which a borrower may change repayment plans. A borrower enrolled in the Tiered Standard Plan may change to Repayment Assistance Plan and vice versa. So you'll see -- oh, Linnea, you went too quick for me. You'll see the red lines on here just -- I just explained in words. So if there are any questions that you have related to this respective red text in front of you, please let us know. Hearing none, we'll go to 685.211, miscellaneous repayment provisions. Okay. There are various repayment provisions that are applicable to the repayment plans and repayment of Direct Loans. This particular section contains the current regulations of repayment plans and their terms and conditions, as well as other miscellaneous provisions relating to the repayment of a Direct Loan. So in paragraph (a), for example, it has the payment application for prepayment

provisions, and paragraph (d) provides the provisions on when a borrower defaults on a Direct Loan, including what occurs after the collection of a defaulted loan. The Higher Education Act amendments reflect the payment application for Repayment Assistance Plan, and RAP follows the payment application as it does with IBR, and loan payments are applied in the following order: accrued interest, collection costs, late charges, and then loan principal. The Higher Education Act amendments also permit the Secretary to designate the Repayment Assistance Plan to defaulted borrowers. On the screen, you will notice the changes, and you'll see here in 685.211(a) that the Secretary applies to payments made under RAP in the following order: accrued interest, collection costs, late charges, and then loan principal. And we propose a clause in paragraph (d) that allows the Secretary to designate RAP or IBR if a borrower defaults on most Direct Loans. And you'll see here we have an exception with Direct Consolidation Loans that are not accepted consolidation loans. At this point, we can turn it over for discussion. Or not. Alright. Let's go to 685 -- alright.

MS. WEISMAN: Ashley?

MS. NAPORLEE: Sorry, I was just catching up. Can you confirm that a borrower who is

eligible for IBR, so we'll say, has loans post 2014, is eligible to move between RAP and IBR? Or if it went -- or once they -- if they apply from IBR to RAP, are they allowed to go back to IBR, assuming their loans are eligible?

MS. ABERNATHY: So you were talking about the white column IBR 2014? See, we still got it, guys. Still got it. Those particular loans -- so it is my understanding that we're not really sure on whether or not that particular IBR Plan -- we need to probably flesh that out a little more carefully to make sure that we're speaking with specificity, because RAP is also an IBR Plan. And if you look at our little chart, it would depend on like when they had the loans and if they had the eligibility to move from RAP. And I'm not sure. So I don't really want to go into that level of detail until we've had a chance to flesh that out in our little huddle. And perhaps we can -- you can submit that to us in a -- an official question. So during our huddle on Thursday, we can kind of chart that out to make sure that we're not missing something.

MS. WEISMAN: Jeff?

MR. ANDRADE: Just, just to clarify on that hypothetical, is that an IBR with loans made after July 1, '26?

MS. NAPORLEE: Correct. New IBR borrower, yeah.

MR. ANDRADE: Okay.

MS. ABERNATHY: We're taking it back. We just needed all the facts. Thank you. Alright, let's turn our attention once again to Public Service Loan Forgiveness. I do want to say, I do want to remind everybody that we had a negotiated rulemaking on Public Service Loan Forgiveness back in April that amended the regulations under 685.219. Those regulations, should there be a final rule published on or before November 1st, would be effective July 1, 2026. So the regulatory provisions that you see here, even though you only see one little piece of it, I just want to remind you that it will look a little bit different when it comes out in July 1, 2026, because the effective date of this rule, because we are not publishing on July 1, 2026, may or may not include this provision. And so we would have to amend that again. So I don't want you to think as of July 1, everything for this particular rulemaking should be included in that regulatory provision, because we may not be able to amend it yet. So I know that's a little confusing, but it's important to remember that the timing of the last negotiated rulemaking, those, those regs have not published, they're not final yet. And so if they

publish in November, they will be final and effective on July 1, 2026. Okay. For Public Service Loan Forgiveness, borrowers obviously work in a qualifying public service. They'll be eligible for PSLF and have the remainder of their balance after making 120 qualifying payments under a qualifying repayment plan, should they have qualifying loans. We -- OBB amended the Higher Education Act to make sure that the Repayment Assistance Plan was one of the qualifying repayment plans under PSLF. And so we also make sure that the amendments state that an Income Contingent Plan counts as a repayment plan as well. And so that's what the changes you see here on the screen. And we propose including that a qualifying repayment plan means an Income Contingent Plan under 209, which a payment was received on or before June 29, 2028, and you'll see that we propose adding Repayment Assistance Plan here as well. Any questions?

MS. WEISMAN: Ashley?

MS. NAPORLEE: Sorry. Can you explain the June 29th date?

MS. ABERNATHY: Because it has to be before June 30th.

MS. NAPORLEE: Because that's when it sunsets? It sunsets on June 30th?

MS. ABERNATHY: It sunset -- the

statute says the day before.

MS. NAPORLEE: Okay.

MS. ABERNATHY: So that's why it's June 29th.

MS. NAPORLEE: On or before, okay.

MS. ABERNATHY: Alright. Let's move on to 685.220. Generally, borrowers may consolidate their Federal Student Loans into a Direct Consolidation Loan for the purpose of lowering their monthly payments, gaining access to Income Driven Repayment Plans and forgiveness options, and for other reasons as well. Section 685.220 contain the regulations for consolidation. We enumerate the loans eligible to be consolidated into a Direct Loan. The eligibility requirements, the general process for how the Department administers a consolidation. Special rules apply when a loan is in default, and consolidation is generally an option for a borrower to get out of default. So the Higher Education Act was amended to allow a defaulted borrower to consolidate their loans for the purposes of gaining access to the Repayment Assistance Plan for loans made on or after July 1, 2028. As we mentioned earlier, for loans made on or after July 1, 2026, loans will be limited to three Payment Assistance Plans and the Tiered Standard Plan. So our proposed text in paragraph (d) that

defaulted borrowers may consolidate their loans for the purpose of obtaining access to IDR plans to fix their default, and before July 1, 2028, defaulted borrowers may consolidate to gain access on or after 2028, defaulted borrowers may consolidate to gain access to IBR or RAP. And in paragraph (h), you'll see the proposed text that a Direct Consolidation Loan made before 2026, borrowers may repay a debt consolidation loan in accordance with the plans they are eligible for, generally, the fixed plans and the various IDR plans, and for Direct Consolidation Loans made on or after July 2026. Borrowers may only choose between Tiered and Standard. And in paragraph (i), the only proposed amendments are conforming changes to update the in-text citations that may be renumbered because of other proposed amendments. If we have no questions, we'll move on to the Alternative Repayment Plan in section 685.220. Alternate Alternative Repayment Plan. I said 220. I meant 221. I read 220, even though it said 221, I'm sorry. 221. The Alternative Repayment Plans are provided to borrowers in situations in which borrower demonstrates that the terms of the other repayment plans are not adequate to accommodate the borrower's exceptional circumstances. The borrower must provide evidence of the exceptional circumstance. In Section 685.221, it contains the current regulations for the

Alternative Repayment Plan and the Higher Education Act was amended to sunset the Alternative Repayment Plans, specifically, only Direct Loans made before July 1, 2026, may be repaid under an Alternative Repayment Plan. So you'll see on the screen that in proposed 685.221(a) that we added -- we condition a borrower's potential eligibility for an Alternative Repayment Plan to borrowers who have not received a Direct Loan on or after July 1, 2026, and otherwise meet the conditions in that paragraph (a). We reiterate the limitations by the plan by adding a new paragraph (e) that states that the Alternative Repayment Plan shall only apply to Direct Loans made before July 1, 2026.

MS. WEISMAN: Scott?

MR. KEMP: Do you know offhand how -- not offhand -- or can look into it how often this is offered as an option? I mean, because I can say in seven years of working with borrowers, I just got my first one like a couple months ago. And it's not going well, but I'm curious how prevalent it is in the past. And is this something that will be -- continue to be offered in the future?

MS. ABERNATHY: I don't know offhand how many borrowers -- they have to exhaust -- basically, it has to be the only option for them. And I believe

prior to the SAVE litigation, there would have been little to no reason for the Alternative Repayment Plan to have been considered. So I don't know how prevalent it is, given that we are in that situation where those plans are basically on hold because of the litigation and all of the changes that have been made prior to. We could request data on that. But at this point, it will only be available for loans prior to. I believe -- what this administration is trying to do is to set up the Tiered Standard and the resistant -- Repayment Assistance Plan to fill those gaps and give the very best option for borrowers, so that there's not really that need for that Alternative Plan any longer. So given what's coming in these regulations, we absolutely have that covered in a way that here it is between the fixed Tiered Standard and our Repayment Assistance Plan.

MS. Weisman: Ashley?

MS. NAPORLEE: Can I ask, under -- sorry, moving back to 685.219 for PSLF for qualifying repayment plan. (inaudible)

MS. ABERNATHY: Linnea, could you go back to 685.219, please? Thank you.

MS. NAPORLEE: I was just wondering if there was a reason that those changes were made if the definition already -- or if the qualifying repayment plan

already includes Income Driven Repayment Plans?

MS. ABERNATHY: Because this is a new repayment plan and this is a specific IBR plan. And so we wanted to make sure without any question whatsoever, because we've enumerated -- we've actually listed the other repayment plans. We want to make sure that this particular repayment plan was defined as a qualifying repayment plan. It's a clarifying edit.

MS. NAPORLEE: Okay, just because the way I read it (inaudible) romanette one where it says an Income Driven Repayment Plan under Section 685.209. And then if you go to 685.209, then they're enumerated. So I just wanted to make sure that -- I didn't know if I was just being redundant.

MS. ABERNATHY: We would like to keep that there.

MS. NAPORLEE: Okay.

MS. ABERNATHY: Thank you.

MS. WEISMAN: Jacob?

MR. LALLO: Just to go back to Ashley's previous question about this, we went back and checked the statute. You're right, it actually should be June 30th, not June 29th, so we'll make that update.

MS. NAPORLEE: I thought I was going crazy.

MS. ABERNATHY: We're going to pause on that one until we have another conversation.

MS. NAPORLEE: I'm sorry, which one?

MS. ABERNATHY: The one day before thing.

MS. NAPORLEE: Okay.

MS. ABERNATHY: We're just -- my team is checking some things. We're not saying anyone's wrong. We just want to check. We do not have any more amendatory reg text to go over with you all. So we are sitting here with some additional time on our hands. We know that you all have some questions, we know that you all have -- you may want to revisit some other pieces and parts of the regulations. We are open to all of that at the moment. So I don't know if you all need a few minutes to think about what the next steps are and if there are any things that you guys want to speak to as a group, but we're amenable to that as well. So why don't we take ten minutes and let everyone regroup?

MS. WEISMAN: Ten-minute break. We'll be back at 2:55, we'll say.

MS. ABERNATHY: Thanks.

MS. WEISMAN: Welcome back, everyone. Thank you for returning. Tamy, we'll turn it over to you.

MS. ABERNATHY: We had a few minutes

to discuss this June 28th, June 30th, July 1. We will be going back and having some additional discussion for some clarification before we're going to come out with an official position on that particular date. So thank you for bringing that up. We do want to make sure that we have it correct, and we'll flesh that out with our powers that be.

MS. WEISMAN: Jeff, did you have a comment? And then we'll go to Alex.

MR. ANDRADE: Yeah, just an announcement for you Tigers fans. Bottom of the seventh, 2 to 1, Tigers.

MS. WEISMAN: We found our Tigers fan.

MS. ABERNATHY: We will not take a caucus on that.

MS. WEISMAN: Alex Holt?

MR. HOLT: I'd like to call for a 20-minute caucus with the following groups: Both primary and alternate taxpayers and public interest, private nonprofit institutions, yeah. Proprietary institutions, public institutions, state officials.

MS. WEISMAN: Okay, so we'll do a 20-minute caucus with those ten individuals. If you could go with Val over at this far door on this side, we'll be in recess for about 20 minutes. Welcome back, everyone. I

have two people to recognize. We're going to do a report out from the caucus. But first, I want to recognize Scott Kemp.

MR. KEMP: Yeah. State officials would like to swap out the primary for the alternate.

MS. WEISMAN: So we bring Bennett Boggs to the table for the state constituency. And then, Alex, if you could -- Alex Holt, if you could give a readout on the caucus.

MR. HOLT: Yes. So, thank you. The caucus met to, again, discuss the definition of professional degrees as it relates to the loan limits. And the caucus is ready to submit to the Department an alternative proposed language. We will be submitting that to you in the next few minutes. And we request also that you consider the fact that you will have a four-page memo in the morning, further explaining the justification of the language from a legal point of view.

MS. ABERNATHY: Thank you so much.

MR. HOLT: You're welcome. We want to give you plenty of time to digest it and react to it. Happy to also have a caucus with the Department tomorrow, if you would like.

MS. ABERNATHY: Why don't we reserve the right to do that? The right -- the option, excuse me.

Sorry. It's been a long day, everybody. Let's reserve the option to do that. I'm not sure that we will -- depending on when we get that four page lovely memo, if we would have had time to digest it enough to have that caucus. So let's reserve the right to, you know, do whatever we need to do tomorrow. We are going to have a little bit of flexibility in our time, given that we've gone through the reg text. So, thank you for doing that. Thanks for getting that to us, and we look forward to seeing it.

MR. HOLT: Thank you.

MS. WEISMAN: Jeff?

MR. ANDRADE: Just so in the interest of transparency, typically when this language is proposed, it goes to the whole group. So I just wanted to clarify that that's what's going to happen. Okay.

MR. HOLT: Can I just -- can I submit it to you so that you submit it to -- you submit it to neg reg. Okay, great. Thank you.

MS. ABERNATHY: Yes. And then whomever -- if you need a caucus with us and the group that you just met with, that's perfectly acceptable. So when you have your caucuses -- I hate to say this out loud, because now you're going to invite us to your caucuses, but we are -- you are permitted to have a caucus with the Department as well.

MR. ANDRADE: And we with you.

MS. WEISMAN: Jenna?

MS. COLVIN: I just wanted to keep on the list of things that we're looking for, that clarification on the loan limits.

MS. ABERNATHY: I have that. I'm so glad you reminded us. It's only been on this piece of paper all afternoon. So this goes back to the distinction between aggregate, annual, and lifetime. An undergraduate borrowing does not impact or affect aggregate limits. So the undergraduate borrowing does not impact the aggregate limits. It does, however, impact lifetime limits. Okay, so when you're looking at the aggregate, you're looking at what they've borrowed as that student type. Okay? So I'm marking this one off my list now because we finally responded, oh my goodness.

MS. WEISMAN: Jenna?

MS. COLVIN: So by way of follow-up, does the aggregate or lifetime limit include loans that were made prior to passage of One Big Beautiful Bill?

MS. ABERNATHY: So, effective on the date of the bill -- I don't know what date the loan limits were effective. Was it upon enactment or is it upon -- 2026?

Unknown SPEAKER: Yeah.

MS. ABERNATHY: Okay. So, effective July 1, 2026, the loan limits, the annual aggregate and lifetime loan limits are effective. So at that point in time, that becomes the annual aggregate and lifetime loan limits. Does that make sense? So, it would be -- at this point it doesn't matter when you borrowed because the effective date of the lifetime limit is this date. And so at that particular date, there will now be a lifetime limit because that's something new. We didn't -- we haven't had a lifetime maximum limit. So that's a new loan limit. The annual limit and the aggregate limits, what those pieces are, what they say the annual limits are for the respective borrowers and the aggregate limits. So yes, it will be effective July 1, 2026.

MS. WEISMAN: Jeff, and then back to Jenna.

MR. ANDRADE: And I think what's potentially confusing, because we did not have the lifetime limit before, the aggregate limits were for graduate students, included undergraduate loans on the old loans. And so when you look at them side, side by side, the new provisions versus the old provisions, the old provisions, say, including undergraduate loans. But the new ones don't pick up that same language because of the lifetime limits, but it would not make sense to have

lower -- if you looked at them side by side, you also notice that they are lower than what they previously were for the old loans. So that's one of the things when you, when you go through the sections and you, and you see that, that it makes it potentially confusing but you have to take into account that we now have the lifetime limit. And so therefore, you don't have to have it in the aggregate for the new ones.

MS. COLVIN: So if a student has \$200,000, \$201,000 worth of debt, and they are in one of the ten CFR programs, but they have not yet concluded their program of study, they cannot borrow any more?

MS. ABERNATHY: It depends on if they're in the exception. The interim exception, right?

MR. LALLO: Yeah. That's correct. So in (8), there is the interim exception for students who are currently enrolled in a program of study at an institution of higher education, who's received a loan on or whose behalf alone was made under that part or this part. So if they're currently enrolled and they've already received the loan, they're good to go. They're not subject to the lifetime exception, so long as they're still currently enrolled and borrowing under that loan.

MS. WEISMAN: Jeff? No other cards at this time.

MS. ABERNATHY: Hello. Is there anything else we would like to circle back to in the next 20 minutes? Our plan for tomorrow is separate and apart from the proposal that we plan to have in our hands, and the ability for us to have potential caucus around that at some point tomorrow. Our plan for tomorrow, given that we have gone through in specificity, all of the red lines, we've had -- I gotta tell y'all, we did not expect to move through things so quickly. So kudos to you guys for asking great questions and allowing us to navigate through our agenda in anticipation of the shutdown. We would have clearly been ready to go, so thank you. And now we're going to be here tomorrow, and our agenda is a little bit out of whack. But I think what we will do tomorrow is we're going to start with going through the regulations again. We're not reading every word, and we're -- no, we've had enough of that. I trust you all have seen it and read it, and you might even be able to quote it at this point. I sure wish I could, but there's just too many of them. But what we'd like to do is kind of finalize the things that we're good on, and make sure that we have addressed those that are not, and try to go through and do pulse checks. Annmarie, we would like to do pulse checks on the provisions to see -- barring the provisions we know that we're still working on some

regulatory text on. So for instance, in 674.39 and the forbearances and deferments that we want to tighten up the language and tweak that. We might not start with that one yet, because I do want to have my team present the proposed amendments to our leadership before, of course, we, we circulate those to you guys. And so we'll look at some of that as well. But that's what I think we will do for tomorrow is we're going to start through going by provision, provision and see if there's things that we need to come back to or things that we need to explain on Thursday when we are in our closed caucus together. I'm not sure it's appropriate or not for us to adjourn early but given there's nothing else for us to discuss today, I would propose, I would propose that we, we close early if we can get a consensus on that, perhaps we can pass that. Thumbs up, everybody. Look at that. Oh, Jeff. Thank you.

MS. WEISMAN: You now have consensus.

MS. ABERNATHY: Now we have consensus.

So we have a question first. I saw it.

MS. NAPORLEE: Hi. Sorry, I just wanted to ask a question for tomorrow morning. Do you know which of the regulations we plan on starting with, just so we can prepare accordingly?

MS. ABERNATHY: Well, we're not going to start with 674.39 like I thought, because that's the

one that has the, the reg text that I really do want us to have a few minutes to make sure we have that right before we bring that back to you. So we could do rehab, but it's got -- we can't do the deferments and forbearances that are with it. So you have a choice. Loan limits or repayment plans? We'll start with repayment plans. That would be 208. 685.208, fixed repayment. That would be 682.215 and 685.209 for IBR and Income Driven. And then the other repayment plans are the miscellaneous provisions, which are 210, 211, 220, 221. I'm missing one, but it's in there. 219 for PSLF. I think that's all of them. And then we will work through loan limits. And then hopefully by that time we'll have some language for the deferments and forbearances, and then we'll work through those as well.

MS. WEISMAN: Ashley?

MS. NAPORLEE: I just wanted to mention that we will be emailing you tonight about the forbearance.

MS. ABERNATHY: Thank you so much. We do appreciate that. And that'll give us more time tomorrow for us to flesh out that language. Thank you.

MS. WEISMAN: Alex Holt?

MR. HOLT: And we've emailed the language.

MS. ABERNATHY: Thank you so much.

MS. WEISMAN: Jenna?

MS. COLVIN: I have a question about the IPEDS reporting. So right now there's a distinction at the doctoral level between professional and not, right. There's, there's research, professional, and other. But IPEDS does not make that same distinction in master's programs. And I'm curious about if we could talk offline, the process for maybe getting that started?

MS. ABERNATHY: Thank you. We will look into that, perhaps, and kind of flesh out where we can go to get some answers on that for you.

MR. ANDRADE: And we'll be sure to bring lots of smart people that play with the IPEDS data and -- yeah. So we'll, yeah, we'll have some reinforcements there. Yeah.

MS. WEISMAN: Jenna, did you have another question? No problem.

MS. ABERNATHY: Can I say it?

MS. WEISMAN: You can.

MS. ABERNATHY: That's a wrap, folks.

MS. WEISMAN: We'll adjourn for today. We'll resume tomorrow at 9:00 a.m. Thank you all for your cooperation and your attention today.