

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
NEGOTIATED RULEMAKING
ACCOUNTABILITY IN HIGHER EDUCATION AND ACCESS
THROUGH DEMAND-DRIVEN (AHEAD)
WORKFORCE PELL COMMITTEE
SESSION 2, DAY 4, AFTERNOON
January 8, 2026

On the 8th day of January, 2026, 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. MACK: Good afternoon, everyone, and welcome back from the lunch break. I'm excited to jump into some additional dialogue. So Dave, I'm going to hand it over to you.

MR. MUSSER: So at this time, we'd like to bring Cody back up to the podium to give an update on data requests.

MR. CHRISTENSEN: Hello, everyone. Good afternoon. This will be just a brief update on all the data requests. We're going to walk through them, and then we will take questions on them as we have them. And I believe what the Department's plan is after this presentation, I can hang around to answer additional questions if you haven't had a chance to look at the data or need any further explanations, while perhaps some caucuses get going. So that will be the order of operations going forward. So a few -- next slide, please. So the website was updated about half an hour ago with many of the data requests that have come in this week. That's just a screenshot of the website. So you can go there and see that you can click and download many of the different things that have either been related to analysis or new data that has been provided. Next slide, please. I'm going to walk through these in three

different buckets. First is the fulfilled data requests. Then I'll go to the fulfilled analysis request. And then I'll conclude by talking about the ongoing data requests that we're still working on. For the fulfilled data requests, as I discussed yesterday, the, the geographic variables request we were able to fulfill completely. This is data that was merged in from IPEDS in the US census that includes a bunch of additional geographic data, specifically counties, CBSAs, congressional districts, and also variables from the US census about the -- or extent of the county where the college is located is urban or rural. The second request was at the request of the group representing the veterans. This was about including military-related CIPs into the data set. As mentioned yesterday, this was something we were able to do. And that data is now posted to the website as well. The program level delinquency and default rates request. This is another request we were able to completely fulfill. This is program level measures of how the share of students who enter repayment from a program, the rate at which they enter delinquency or default within three years. Let me also say that the technical data appendix and the variable codebook have also been updated so that you can precisely see exactly how the new data elements that we've included are defined and

measured. And if you have any additional questions, you'll see that there's updated versions of those documents that you'll want to redownload. And then lastly, the FAFSA student income data. This is a request that we were able to partially fulfill. And we are happy that we are able to have partially fulfilled it. The reason that this is a partial fulfillment and not a full fulfillment, you all requested data with lots of different aggregations by about 10 or so different ways, and we were not able to fulfill that at this time, given the time and staffing constraints at the moment. So what we've done instead is we have not provided the disaggregation, but it's still -- we believe that this information that we've provided on student income is still going to answer many of the questions that have been raised by this group it stated in your purpose for the data request. And again, I can stand by to answer questions as needed, as you discuss and look into that data that's available. Next slide, please. I won't go through these in as much detail, but these are the analysis requests that we received. These have been posted as documents to the website. If you requested something be cut a certain way or look at another way, these are those documents. These are standalone links on the website. So you can see the analysis that you

requested here. Most of these analyses were completed using the program performance data set we put out. One of them was fulfilled using NSLDS data. That's the cohort aggregation process. Final slide, please. There are two ongoing data requests. The first is a data request on current written arrangements between eligible institutions and an ineligible entity. We've been speaking -- I've been speaking with my FSA colleagues today and in the past. I can confirm that this request is being fulfilled. It is still in the validation process, but we've got updates on this, and we do know that this is moving forward. And this is still a request that we are committed to fulfilling. It was not one we were able to prioritize at this moment, simply because this was not directly related to the negotiations at hand. But I want to ensure the requester that this is something that we are committed to fulfilling, and FSA is working on it at the moment. And then earnings information provided at the six-digit CIP largely falls into the same category, and we can talk more about that if needed. That's the end of the PowerPoint. There's no additional. That's why we didn't print anything out. Just a few bulleted lists to help keep me organized. I know you probably haven't had a chance to dig into the data yet, so I understand you might not have specific questions for me at the moment.

That said, I will be standing by, you know, as always, you can come talk to me or to the FSA staff or to any of us to see if we can get an answer, if you have any. That said, I will stop there and take questions, and if not, we'll turn it back over to Dave.

MS. MACK: Any preliminary questions for Cody at this juncture? Preston, please.

MR. COOPER: I just wanted to say thank you for all the late nights you spent getting all this data for us. It's really amazing. We really appreciate it. Thank you.

MS. MACK: Thank you, Preston. Thank you, Cody. Dave, back over to you.

MR. MUSSER: Thanks, Kayla. I know our -- many of my colleagues probably have additional work to do on the proposals that we've already discussed, but the Department would like to call a caucus with the student representatives. It would be about 20 minutes.

MS. MACK: Okay. For our constituency groups, with the student representatives and the Department, about 20 minutes. Preview of topic, Dave, and then we'll agree on a location.

MR. MUSSER: The topic will be similar to some of the caucuses we've just done. The Department will talk through its reasoning and intent behind some of

the provisions so far, and learn more about the student representative and their concerns.

MS. MACK: Thank you for that overview. We will break for 20 minutes for a caucus, and then we will resume. Thank you, everyone. Welcome back, everyone. Thank you so much for your continued patience. Thank you for the productive discussions taking place in caucus, and for all of the hard work that's going on behind the scenes. Dave, I would love to turn it over to you so that you can do a quick report out from the caucus that we have just completed.

MR. MUSSER: Thanks so much, Kayla. During this last caucus as, as we have in prior caucuses, the Department expressed the intent and our hopes for the proposal that we've provided so far. And our colleagues from the student constituency expressed in strong terms their concerns, as well as potential ways to mitigate those concerns about, about the proposal.

MS. MACK: I appreciate that, Dave. I'm going to turn it right back over to you to see where you'd like to go next.

MR. MUSSER: Okay. And then we'd like to have a short caucus with the representatives for legal aid. And I think this will be about ten minutes.

MS. MACK: About ten minutes, I'm

assuming, for some of the same topics as the last time.

MR. MUSSER: Correct.

MS. MACK: Okay. Perfect.

MR. MUSSER: Follow-up conversation to our prior caucus.

MS. MACK: From yesterday. No problem. Let's set the clock for about ten minutes, and we will resume after this short caucus. Thank you, everyone. Welcome back, everyone. Good afternoon. Thank you for your patience during another important caucus this afternoon. Dave, as always, I'm going to turn it over to you to give a quick report out coming out of that.

MR. MUSSER: Yeah. The Department had our follow-up conversation with the legal aid negotiator about both our continued hope of our proposal making its way to consensus after some changes, and we heard from the legal aid negotiator about her continued concerns about the proposal and some thoughts about how, again, how to mitigate those concerns.

MS. MACK: Appreciate, as always, that report out. Dave, I would turn it back over to you to see where you would like to go next this afternoon.

MR. MUSSER: So at this time, we'd like to have another caucus. So we recognize that we're getting close to time this afternoon. But we would like

to get back briefly to report out before the end of the day. The caucus we'd like to call would include the state higher education executive officers, the employers, and representatives from proprietary, nonprofit, and public institutions.

MS. MACK: Thank you for calling those. Should we set the timer for about 20 minutes, given that we do want to come back in time?

MR. MUSSER: Yep. That's correct.

MS. MACK: That sounds good. Thank you all very much. We'll go back into caucus at this time.

MR. MUSSER: So, are we still on? Workforce staff. We'll just mention it when we get back.

MS. MACK: We're also going to invite state workforce into that caucus.

MR. MUSSER: And veterans.

MS. MACK: And veterans.

MR. MUSSER: Sorry for the late inclusions. We do want some extra -- other folks.

MS. MACK: Thank you very much. Welcome back, everyone. Dave, I'm going to turn it back over to you. And in addition to doing a report out, if we could briefly list the constituency groups that participated in that caucus, because we added a couple after we stopped on live last time. Thank you.

MR. MUSSER: Yeah. So the folks that were in this meeting were representatives from proprietary institutions, private nonprofit institutions, public institutions, employers, state workforce programs, state higher education officers, and veterans.

MS. MACK: Good job, Dave. And could you give a quick report out of that?

MR. MUSSER: And as we have in prior caucuses, we discussed the state of the rule as we presented it earlier today. And the Department's intents and hopes behind that proposal, as well as any remaining concerns that those negotiators had and anything that they think, could potentially improve the proposal.

MS. MACK: Thank you. And because we have such productive conversations going, I believe we're going to work a little bit past the 4:00 hour we already have. We do have a hard stop at five. So I'm going to be looking to you, Dave, and the other committee members, to see how we might want to proceed with some of the remainder of our time. Tamar?

MS. HOFFMAN: Thank you. I'd actually like to call for a brief caucus, and I really do try to mean brief here. I appreciate that we're at a later hour. With no offense at all to anybody in the room, just all negotiators except for the Department and proprietary

institutions. Again, with no offense at all, I hope you all understand.

MS. MACK: With that being said, because only the Department and proprietary will be left out, do we want to use the first floor, or do we want to use this auditorium space with that many?

MR. MUSSER: I think the auditorium space would be more appropriate for you guys to have that conversation.

MS. MACK: Perfect. Then, with all due respect, I'm going to ask everybody else to start to clear the room. And, Tamar, are we going to be able to leave this to 20 minutes? How much longer?

MS. HOFFMAN: I think that 20 minutes is more than fair. I want to respect everybody's time here.

MS. MACK: Perfect. Then I'm going to help keep us to a strict 20 minutes, and we'll come back. Thank you.

MR. MUSSER: Thank you.

MS. MACK: Welcome back, everyone. Thank you for your patience during a most productive caucus. Tamar, I'm going to ask, as the individual and constituency that called the caucus, could you give us all a quick report out?

MS. HOFFMAN: Yes, absolutely. Thank you all for being so gracious with your time. We just had a caucus to candidly discuss where everybody stands in terms of Pell eligibility issues for programs that fail the OBBBA earnings accountability test. I think that it was helpful to have that candid conversation. It gave us a better indication of what are sort of the deal breakers for everybody in the room, and what are the concerns. To summarize the concerns, it sounds like there are some issues around possible wage depression in rural areas and in certain occupations. And we are thinking about some possible ways to address some of these concerns while also acknowledging that there is an inherent issue with, well, there are many issues for why Pell Grant eligibility matters. Among them is that it does not make sense that we will -- we would allow the most economically disadvantaged students to use up very precious resources that they have their lifetime eligibility on programs that, that the Department has deemed to be inadequate to receive loans.

MS. MACK: Thank you for that report out, Tamar. We just have a few more moments. Dave, I'm going to turn it back over to you for any finishing remarks and closing us out for the afternoon.

MR. MUSSER: Thank you, Kayla, and

thank you guys for having the discussion, talking through where people's pain points are. That's really what we're hoping to achieve at this stage of the negotiation. We want to reach a point where, you know, everyone is not going to be happy, but everyone can walk away and still, still be in consensus. So tomorrow morning, I think what we'd like to do is talk a little bit more candidly about what -- what's necessary to get there. And we look forward to that process. So the Department is going to work on some language overnight based on the things that we've talked about today in our various caucuses. We plan to come back in the morning, prepared to share some of that language, recognizing that it may not be enough alone to get us to consensus. However, we want to show that we are doing everything that we can to, to get to a place where everyone can get to an agreement. So thank you all for a great day. A great day today. It was not an easy day, but we appreciate all the discussion so far.

MS. MACK: Thank you all very much.
Have a good evening, and I will see you in the morning.

MR. MUSSER: Thank you.