

**U.S. Department of Education
Student Debt Relief
Negotiated Rulemaking**

**Meeting Summary
December 11 & 12, 2023**

Welcome

Introductions

FMCS Facilitator welcomed the parties to Session 3 and conducted the roll call of negotiators, General Counsel for the Department of Education, and the Department's Federal Negotiator.

Old Business

The Federal Negotiator shared that proposed regulatory text had been sent out to negotiators before Session 3, all data requests answers had been given to negotiators, and the hardship topic discussion would be talked about at the end of the 2nd day of this Session 3.

Additional Membership Discussion and action

There was a request for a new consistency group by Alternate Negotiator Josh Divine (State Attorneys General). He proposed a new negotiator constituency group of taxpayers/small business owners/non-borrowers and offered Betsy Miller as primary negotiator and Alex Williams as alternate negotiator. Existing negotiators expressed concerns around the timing of the request being late in the process and another negotiator noted that she already covers the categories of taxpayers, small business owners, and non-borrowers in addition to her other constituency group. The negotiators voted down the proposal. Due to the negative vote, Josh Divine indicated he would be stepping down as an alternate negotiator in this process.

Membership

The following individuals are the members of the Student Loan Debt Relief Negotiated Rulemaking Committee:

Community of Interest	Primary Negotiator	Alternate Negotiator
Civil Rights Organizations	Wisdom Cole, NAACP	India Heckstall, Center for Law and Social Policy
Legal Assistance Organizations that Represent Students or Borrowers	Kyra Taylor, National Consumer Law Center	Scott Waterman, Student Loan Committee of the National Association of Chapter 13 Trustees
State Officials, including State higher education executive officers, State authorizing agencies, and State regulators of institutions of higher education.	Lane Thompson, Oregon DCBS - Division of Financial Regulation	Amber Gallup, New Mexico Higher Education Department
States Attorneys General	Yael Shavit, Office of the Massachusetts Attorney General	Vacant
Public Institutions of Higher Education, Including Two-Year and Four-Year Institutions	Melissa Kunes, The Pennsylvania State University	J.D. LaRock, North Shore Community College
Private Nonprofit Institutions of Higher Education	Angelika Williams, University of San Francisco	Susan Teerink, Marquette University
Proprietary Institutions	Kathleen Dwyer, Galen College of Nursing	Belen Gonzalez, Mech-Tech College
Historically Black Colleges and Universities, Tribal Colleges and Universities and Minority-Serving Institutions (institutions of higher education eligible to receive Federal Assistance under title III, parts A and F, and title V of the HEA)	Sandra Bohan, Salish Kootenai College	Carol Peterson, Langston University
Federal Family Education Loan (FFEL) Lenders, Servicers or Guaranty Agencies	Scott Buchanan, Student Loan Servicing Alliance	Benjamin Lee, Ascendium Education Solutions, Inc.

Student Loan Borrowers Who Attended Programs of Two-Years or Less	Ashley Pizzuti, San Joaquin Delta College	David Ramirez, Pasadena City College
Student Loan Borrowers Who Attended Four-Year Programs	Sherrie Gammage, The University of New Orleans	Sarah Christa Butts, University of Maryland
Student Loan Borrowers Who Attended Graduate Programs	Richard Hasse, State University of New York at Stony Brook	Dr. Jalil Bishop, University of California, Los Angeles
Currently Enrolled Postsecondary Education Students	Jada Sanford, Stephen F. Austin University	Jordan Nellums, University of Texas
U.S. Military Service Members, Veterans, or Groups Representing them	Vincent Andrews, Veteran	Vacant
Consumer Advocates	Jessica Ranucci, New York Legal Assistance Group	Ed Boltz, Law Offices of John T. Orcutt, P.C.
Individuals with Disabilities or Groups Representing them	John Whitelaw, Community Legal Aid Society, Inc. (CLASI)	Waukecha Wilkerson, Sacramento State University
Federal Negotiator	Tamy Abernathy, Director of Policy Coordination Group for the Office of Post Secondary Education	

The Agenda

The Department provided draft redlined regulatory text for the negotiators to consider prior to the session and fully updated text before any consensus decisions were made. Throughout the two-day session, the Department of Education provided background and context for new language, received feedback from the negotiators, had informal temperature checks with negotiators on the new language, addressed concerns about the language, and then had the negotiators decide via consensus on proposed language. Consensus among the negotiators was reached on the following **bolded** sections:

Section 30.80-Waiver of Federal Student Loan Debts

Section 30.84-Waiver When a Loan is Eligible for Forgiveness Based on Repayment Plan

Section 30.86-Waiver Based Upon Secretarial Actions

Section 30.87-Waiver Following a Closure Prior to Secretarial Actions

Section 30.88-Waiver for Closed Gainful Employment Programs with High Debt-to-Earnings Rates or Low Median Earnings

Section 682.403-Waiver of FFEL Program Loan Debt (per below)

- **Section 682.403(b)(2)**
- **Section 682.403(b)(3)**

Consensus among the negotiators was not reached in the non-bolded sections per below:

34 CFR Part 30-Debt Collection (Sections 30.10, 30.20, 30.23, 30.25, 30.27, 30.29, 30.30, 30.33, 30.39, 30.62, 30.69, 30.70, 30.79-Technical Corrections in Subparts A, C, E and F

Sections 30.81-Waiver When the Current Balance Exceeds the Original Principal Balance for Low-Income Borrowers on an IDR Plan

Section 30.82-Waiver When the Current Balance Exceeds the Original Principal Balance for Borrowers on the SAVE Plan

Section 30.83-Waiver When a Loan First Entered Repayment 20 or 25 Years Ago

Section 30.85-Waiver When is Eligible for a Targeted Forgiveness Opportunity

Section 30.89-Waiver When the Current Balance Exceeds the Original Principal Balance

Section 30.90-Waiver When the Current Balance Exceeds the Original Principal Balance for Low-Income Borrowers not on an IDR Plan

Section 682.403-Waiver of FFEL Program Loan Debt (per below)

- Section 682.403 A, C, D, E, & F
- Section 682.403(b)(1)

Public Comment

The Committee provided a sixty (60) minute opportunity for public comment at the end of first day of Session 3. There was no public comment on the second day of the session. Closing

Closing

At the request of the non-federal negotiators, FMCS invited researchers to make a 15-minute presentation to the Committee on their research on the hardship issue. A research presenter by the name of Dalie Jimenez was available on the 2nd day to present and did so. Some negotiators expressed concerns that the Department did not provide text on hardship situations when questions on the topic were discussed in Sessions 1 & 2. The Department indicated it will regroup

following this Session 3 and get back to the negotiator group on any next steps on hardship. In the meantime, the Department of Education will provide final language on consensus and non-consensus language per the above consensus decisions in this Negotiated Rulemaking.