Welcome
Annmarie Weisman, the federal negotiator, welcomed Borrower Defenses Negotiated Rulemaking Committee ("Committee") members to the second negotiated rulemaking session.

Update on Existing Department of Education Borrower Defense Claims
James Manning, acting Undersecretary of Education, provided an update on the status of existing Borrower Defense claims.

Introductions
Committee members and facilitators introduced themselves.

Review of Agenda and Session One Meeting Summary
The Committee reviewed and accepted the session agenda with one adjustment; the Subcommittee Report was moved to the afternoon of the first day with a period for questions on day four. Additionally, the Committee reviewed and accepted without changes the meeting summary of Session One prepared by the facilitators.

Data Requests
Annmarie Weisman discussed the status of pending requests for data made by Committee members. The Department of Education ("Department") continues to receive and process data requests from Committee members. The facilitators or the Department will distribute processed data requests as it becomes available. Data distributed during this session included:

• Borrower Defense Claims Data Analysis
• Data Sheet A: Loan Discharge Liabilities
• Data Sheet B: Consolidated Loans linked to BD Claims
• Data Sheet C: Estimated Interest Accrued
• Data Sheet D: Loan Status at Time of Claim
• Data Sheet E: School Type and Level
• Data Sheet F: Loan Forbearance

Discussion of the Issues and Proposed Regulatory Language
The Committee discussed and reviewed draft regulatory language for the
following issues:

- Issue 1: Federal Standard for Borrower Defense Claims
- Issue 2: Borrower Defense Claim Process
- Issue 4: Pre-dispute Arbitration Agreements, Class Action Waivers, and Internal Dispute Processes
- Issue 5: Closed School Discharge
- Issue 6: False Certification Discharge
- Issue 7: Guaranty Agency Collection Fees
- Issue 8: Recalculation of Subsidized Usage Period

Throughout the discussion, the committee discussed the Department’s language for each issue presenting, considering, and negotiating alternative proposals. The Committee reached tentative agreements on the draft language as presented by the Department for Issue 7: Guaranty Agency Collection Fees and Issue 8: Recalculation of Subsidized Usage Period. The Department will review the comments made during the discussion and prepare revised regulatory language for the other six issues.

Members of the Financial Responsibility Subcommittee presented a report of their findings on Monday, January 8, 2017. On Thursday the 11th, after providing the Committee time to review the report, the Subcommittee returned to answer Committee questions and listen to negotiator feedback.

**Public Comment:**
The Committee heard comments from the public each day of the session.

**Next Meeting:**

February 12-15, 2018
LBJ Building – Barnard Auditorium
400 Maryland Ave, SW
Washington, DC

**Next Steps**
The facilitators will distribute a draft summary of the second meeting and a draft agenda for the next meeting. In addition, the Department will revise and distribute draft regulatory text related to the issues negotiated and proposals submitted prior to the next negotiation. Information and proposals that Committee members want to share with the Department should be sent to the facilitators for distribution to the entire Committee. Committee members will continue to communicate with others within their communities of interest to inform and get feedback from them. Any questions may be directed to the facilitators.
Members Present:
Aaron Lacey
Abby Shafroth
Alyssa Dobson
Annamarie Weisman
Ashley Ann Reich
Ashley Harrington
Bryan Black
Chris DeLuca
Colleen Slattery
Dan Madzelan
Dawn Robinson
Evan Daniels
Gregory Jones
Jaye O'Connell
Joseline Garcia
Juliana Fredman
Kay Lewis
Kelli Hudson Perry
Kimberly Brown
Linda Rawles
Lodriguez Murray
Michael Bottrill
Michael McComis
Mike Busada
Robert E. Anderson
Sheldon Repp
Stevaughn Bush
Suzanne Martindale
Valerie Sharp
Walter Ochinko
Wanda Hall
William Hubbard