

DEPARTMENT OF EDUCATION  
OFFICE OF POSTSECONDARY EDUCATION  
NEGOTIATED RULEMAKING  
STUDENT DEBT RELIEF COMMITTEE  
SESSION 2, DAY 1, AFTERNOON  
NOVEMBER 6, 2023

On the 6th day of November, 2023, the following meeting was held virtually, from 1:00 p.m. to 4:00 p.m.

## P R O C E E D I N G S

MR. FRAN CZAK: Welcome back from break, everyone. I'm Mike Franczak with the FMCS facilitation team, and I'll be facilitating the second half of today's session. Thank you for the work we did and put in this morning. And thank you for all your attention and to detail in terms of servicing this important topic. It's my understanding Tamy and the Department of ED would like to address a matter from this morning. So if it's okay with all of you, I'll turn it over to Tamy.

MS. ABERNATHY: Thank you, Michael. On the request to also be a primary negotiator, under the protocols adopted by the committee at the beginning of our first session, there is only one primary negotiator for each constituency. The Department attempted to select primary and alternate negotiators who bring distinct perspectives to the table. The alternate negotiator is welcome to come to the table to speak, but we cannot have two voting members for the same constituency. During the first session, negotiators proposed adding additional constituencies and the committee accepted negotiators representing two additional constituencies. We are concerned at this time- we are concerned at this time about adding additional constituencies, given that we are

already midway through the second session. But negotiators do have the ability to suggest a new constituency and make nominations for the new constituency. So if there is a proposal for adding an additional constituency, we would ask that you bring the information on the constituency group and what unique perspective that constituency would bring to the negotiations and who would serve in the primary and alternate roles. The committee would then need to decide whether to add the constituency. Please note that adding a new constituency and then accepting new nominations to fill the primary and alternate roles would require consensus. Michael, I'll turn it back over to you.

MR. FRAN CZAK: So that would be the process that we would follow. Is there any further comments or questions at this time regarding that matter? Alright. I'm not seeing anything. So what if we move forward then with our agenda as we had planned? I believe our agenda plan has us picking back up with the eligible but did not apply language. So are we ready to do so with that particular topic?

MS. ABERNATHY: We are, Michael, thank you. I would ask that the team would share their screen. Thank you, team. We're going to focus our attention on paragraphs D and E. We have drafted this language based

upon eligibility for a discharge, based upon a repayment plan, versus a targeted relief program. The idea is that if the borrower is eligible for the discharge but has not applied, we would discharge the loans covered by that eligibility. For paragraph D, you can see we list the IDR plans and the alternative plan which led to forgiveness. For this one, the concept of application is a- is a tricky component because a borrower signs up for IDR, but does not separately apply for forgiveness. So he would see this provision as still picking up someone who applied for IDR a few years ago but is not currently enrolled. For this section, we talk about discharging the entire outstanding balance of the loan because these discharges are based upon a repayment plan do not result in partial discharges. This paragraph would also capture borrowers who are eligible for the shortened forgiveness period under SAVE, as long as they meet other requirements in that plan in terms of the months that count toward forgiveness. In proposed paragraph E, you can see similar language but relating to targeted relief programs such as Borrower Defense, Public Service Loan Forgiveness, and closed school discharges and a catch all. Here you will see a reference to some or all of the loans balance. I want to clarify that this is not an attempt to provide partial relief under the terms of

those programs, or adjust how much we would forgive. Rather, several of these programs, such as Borrower Defense or closed school discharge, can create situations where only some of the borrower's loan balance is discharged. For example, consider a borrower who has received loans to attend schools A and B. School A closed, and the borrower is eligible for a closed school discharge for those loans. If those loans are not consolidated, then we would discharge all the loans received to attend school A and leave those from school B untouched. But if the borrower consolidated, then we would forgive the portion of the consolidation loan attributed to the debts received to attend school A. Hence, that is a partial discharge because of the composition of loans, not the underlying discharge program. The same is true for Borrower Defense. I would note we already have language in public service, loan forgiveness and for total permanent disability that largely captures this concept. So there is some redundancy for some of these items. During the first session, we heard some suggestions from negotiators about including other situations in this category, such as borrowers who would have met the eligibility criteria except for circumstances out of their control. While we understand the goals behind this idea, we do not think it

is workable. The issue is that often circumstances that might be beyond a borrower's control stem from statutory requirements in the program, and we cannot override the statute through rulemaking. Public Service Loan Forgiveness is a good example of this challenge. Initially, having FFEL loans is not something a borrower could control, but the statute is clear that FFEL loans are not eligible for Public Service Loan Forgiveness, and we cannot override that statutory requirement. We also note that we had mentioned how we are not amending the underlying regulations for these programs, which is where a lot of anything that is non-statutory would reside. But we think that discussing circumstances beyond the borrower's control that may have led them not to apply for a forgiveness program for which they are eligible is extremely helpful. I'll turn it over to you, Michael.

MR. FRAN CZAK: Thank you, Tamy, for that context. And with that, I'll open the floor to questions and comments over the issue and language just shared. So looks like order. We have Kyra Taylor from Legal Aid.

MS. TAYLOR: Thank you. I would actually like to request a caucus with the Department and the consumer advocate primary and the state AG primary to ask for clarification about the Department's existing

authority under these statutory programs.

MR. FRAN CZAK: Alright, so I'm not sure how the Department wants to handle individual caucus requests with a particular constituency within this context. I'll defer to at this point how the Department wants to proceed.

MS. ABERNATHY: Is it possible for us to caucus after we finish the discussion around this topic? Would that be appropriate?

MS. TAYLOR: Yeah. I think we can do that. That's okay.

MS. ABERNATHY: How about we do that? Thank you.

MR. FRAN CZAK: Alright. So we will come back to that. Other questions or comments. We'll begin first with Jessica Ranucci.

MS. RANUCCI: Sorry. I don't mean to be difficult. But I still don't understand what's going on here. Could you just try again and in plain language, to explain what these provisions are doing?

MR. FRAN CZAK: Alright. So the request is for a further explanation in terms of the context of the language and what it means and the effect of the language. So could someone from the Department address Jessica's question?

MS. RANUCCI: Maybe give an example of a borrower or just anything to make it a little bit concrete?

MS. ABERNATHY: Michael, Ben is going to do that.

MR. FRAN CZAK: Okay, Ben.

MR. MILLER: The basic idea is we know a lot of times there's borrowers who are eligible for things where if they just submitted the application to us, they would get the discharge. And so what we're saying here is if we can identify people who are eligible for those types of discharges, we would discharge them. So, for example, you know, there may well be with the new provisions in the SAVE program for balance, forgiveness-forgiveness at an earlier point, based on a lower balance, someone who is eligible for that forgiveness but has not actually submitted an application for SAVE. And so what we were saying here is if we can identify those folks, we would provide them a discharge and just because I saw it in the chat, for John's question, you know, with all of our automatic discharges, we do provide borrowers an opt-out opportunity. We don't typically put that into regulatory text, though. Does that make more sense?

MR. FRAN CZAK: Jessica. Does that answer the question you had?



MS. RANUCCI: I think so. I have other questions, but I'll let Richard go.

MR. FRANCIK: Alright, so we'll come back to Jessica. What if we next go to Richard Haase? Richard?

MR. HAASE: Yes, I understand the basic premise that we don't want to amend the underlying text for some of these programs, but I do have some concerns with language that says, you know, for applicants who are otherwise meet the eligibility requirements, I know a lot of people who seem to meet the eligibility requirements for these programs and are not granted the forgiveness. And so I'm curious how you know, how this language can leave room for, or more explicitly account for, people who've been turned away from forgiveness or who have entered- who've made decisions that have actually invalidated their eligibility for forgiveness based on the misguidance, based on being given misinformation. I'm in communication with a friend right now who had two loans that were both in repayment for, I think, 15 years each, that should have been eligible for forgiveness. He started the process, was told that he had to consolidate them in order to apply, and now is being told that the new loan is new, that he's no longer eligible. I have friends who are in married

households where the two spouses have been paying loans for the same amount of time, the same kind of loans. One gets forgiven and the other one gets rejected. So, I don't- I know that this language isn't supposed to necessarily build faith in that process but I do think it's important that we find a way to capture people who have been harmed by mishandling or misinformation, and I think that clearly establishing the eligibility requirements is something that we can't take lightly when we put the language in the text. I'd like to know how we actually help those people if they've already been harmed.

MR. FRAN CZAK: Richard, could you put that question- specific question about helping people who've been harmed with the in the chat as well, so we don't lose it?

MR. HAASE: I will try.

MR. FRAN CZAK: Thank you. Alright, So- oh, Tamy has her hand raised. Tamy.

MS. ABERNATHY: I'd like to remind the negotiators, a friendly reminder that it will be very, very helpful if there are proposals that they want to suggest to us, certainly bring them up at the table, but we really need to see those in writing in red line version. That's really going to help us prepare for

session three. So if I could just put another gentle reminder there, please propose some mandatory regulatory text and get that to FMCS for circulation for us. And the sooner the better. Thank you so much.

MR. FRANCIK: Thank you, Tamy. So I believe I saw a hand raised for Jessica. Now it's down. There was a question from Kyra in the chat. Kyra, do you want to address your question in the chat before you do so via audio?

MS. TAYLOR: Sure, that'd be great. Ben, if you could also provide an example of how you envision the statutory discharge provision working as to a specific borrower, etcetera, I think that would be really helpful.

MR. MILLER: Sorry, I don't understand what you mean by statutory discharge.

MS. TAYLOR: I'm sorry. The targeted forgiveness programs, it's subsection E.

MR. MILLER: Oh. So like, you know, for example, we have borrowers who attended schools that closed and didn't graduate and they've never applied. And so if we could identify them, that would fall under that. But what Tamy was saying is that, you know, we have- we tried to add language when we redid the TPD regs and the PSLF regs to add these provisions where it's like the

Secretary is aware, he may discharge them. So we're saying in some places that's sort of already there in the underlying program regulations as well. So this creates a little bit of redundancy. But it's kind of the same idea as if we, based upon the data we have, can determine that someone's eligible, we give them the discharge again with the subregulatory opt-out opportunity.

MS. TAYLOR: And then I just have a quick followup question to that. So a number of these targeted forgiveness programs also offer other forms of relief, in some cases, refunds, the deletion of adverse credit history, etcetera. I assume that if relief were offered under this provision, it would just be cancellation. It would not provide those additional forms of relief. Is that correct?

MR. MILLER: Not necessarily, because given that these borrowers could also apply, we don't want to put someone in a situation where they're about to apply, if they get the provision through the waiver, they're not somehow worse off by accident. So I think we'd have to look at that carefully. But again, because a lot of these are going to be people who, if they were able to apply, they would get that- they would get that relief. And so I think we're not looking to create big distinctions there, because that could create a situation

where someone was about to act and we caught them first, they'd be worse off.

MS. ABERNATHY: And may I just add a couple of things here? It does depend on the program under which they're otherwise eligible for. And so the Department provides refunds when borrowers have paid money that the Department determines was not owed. So for closed school discharges, because the borrower's not able to complete the program due to the closure, the Department treats closed school discharges as effectively treating the loan as improper when made. So the borrower is not treated- the borrower is treated as not being responsible for any payments and any past payments are refunded. So we would propose to match that treatment under this separate debt relief plan. If the borrower properly entered repayment on a loan and made payments that were properly owed, we do not refund those payments. So those payments were properly made and received and there is no basis to refund them. However, if the borrower made payments in excess of what they were required to make for IDR forgiveness, we refund those payments. So we would propose to match that treatment in this category of relief.

MR. FRAN CZAK: Sarah Butts indicated or Sherrie Gammage indicated Sarah Butts will be taking

over as primary. So, Sarah, if you would like to add to the commentary, please raise your hand and we'll go in order. Alright. Next we have Jessica Ranucci, Consumer Advocates.

MS. RANUCCI: Just briefly, I understood what you were saying about the potential for partial forgiveness here, based on like the underlying loans that give rise to a consolidation loan. If that is the only circumstance, I think it would be really important to spell out here to distinguish this relief from other sort of partial relief frameworks that people have used for the statutory discharge programs.

MR. FRAN CZAK: Alright. Thank you.  
Lane Thompson, state officials.

MS. THOMPSON: I think that this section is at least partially dealing with kind of this hanging loan topic that we've been seeing. And I just want to point out that in some of the cases that I've worked on. The borrower has other loans that should have been discharged, by which I mean the one loan they may have applied for Public Service Loan Forgiveness or something else, but they have five other loans over here that still meet all the eligibility requirements but didn't get brought in with this loan. So the reason I want to point that out is that here it says canceling the

loan balance. And I would be curious to see if there's a way to apply this by borrower instead of by loan, because in my experience, most of the times I see this popping up, past what's already allowed is folks who maybe would have needed to have consolidated to get access to a program. Just wanted to include that here.

MR. FRAN CZAK: Thank you. Lane. Next we have Richard Haase, student loan borrowers who attended graduate programs.

MR. HAASE: Yes, again, not looking to amend existing language defining these programs, but there are two other groups for which I believe we've already been expecting regulatory language or guidance that are absent here and I think have a place in this conversation. One are the joint consolidation borrowers for whom we- I think many people have been expecting language that was already somewhat, you know, floated years ago and never made it into practice. And the other is for people who are ineligible for public service, who do public work but are contracted out by third parties. I don't know if they can be brought in here. I do think that they both exist outside the regulatory language for those programs. So I don't- I think this might be an appropriate place to introduce them into writing.

MR. FRAN CZAK: Alright. Thank you for

your comments, Richard. Next we have Yael Shavit, State Attorneys General.

MS. SHAVIT: Thank you. I want to touch on a point that Richard made in comments, which is that, you know, we have seen consistently that there are a lot of people who would be eligible for the various statutory programs but are not getting forgiveness due to servicer misconduct and other errors that were not within their control, including misinformation. And so to that end, I'd like to reiterate that I think that to the extent the Department is looking for ways to identify people who are entitled to relief and need this relief, those categories of people need to be identified as well, right? The people who meet the purpose of these types of programs and are not able to access them because of mistakes that are not their own mistakes, and I don't believe that providing relief to that category of people would in some way conflict with the statutory aims of the program to the- of the various programs. To the contrary, I think it would be meeting Congress's goals. So I want to make sure that those populations aren't left out of the discussion.

MR. FRANZAK: Thank you, Yael. Next we have Sandra Boham, Historically Black Colleges and Universities, Tribal Colleges, Universities and Minority



Serving-Institutions.

MS. BOHAM: Thank you. I just want to say a little bit. I put it in the chat as well, but this whole conversation about applying for forgiveness programs and other debt programs that loan borrowers are eligible for, those processes are incredibly complicated. And, as we've heard, determining which ones to apply for, whether you have to consolidate or whether you don't, which loans qualify, all of that, I think our servicers are very good at identifying when we owe them money, and we know that they track the loan payments and progress very well. It would seem that tacking into our conversation that we had during the first negotiations, that this could be a place where automation would definitely fit because we would know which loans would be eligible for forgiveness, and they can just be done through automation. And I don't know that- I mean, even the conversation here is very dense and you have to have a lot of information and understand this whole process in order to navigate it. Our loan borrowers don't tend to have that depth of knowledge. And so it is a challenge. And that's what I'd like to say. Thank you.

MR. FRAN CZAK: Alright, before we move on to the next speaker, is there anyone from the Department who wants to address any of the prior comments

made more recently? No? Okay, so it's my understanding Jalil Bishop is taking as primary for student loan borrowers who attended graduate programs and Richard Haass. So I'll go to Jalil next.

DR. BISHOP: Thank you. I would just again ask the Department for some clarification. So from my understanding right now, a borrower needs to be in repayment for 25 years or 300 payments. But then under this section there is- to me, it seems that it's saying that the Secretary can waive the student loan balance for a borrower who's eligible for Income Based Repayment Plan, which some of the plans include cancellation or the forgiveness of debt after 20 years. So I'm- I think I'm trying to understand for when you're reviewing to see which borrowers would be eligible for this targeted forgiveness, would that include borrowers who should have been on these plans for 20 years, or should have been on some type of Income Based Repayment Plan, but may not be captured? And how does that conflict then, with this 25-year requirement? And hopefully that's clear. But I'm just trying to get clarification if there's also going to be a review around folks who should be getting the 20-year cancellation after being on Income Based Repayment Plan.

MR. FRAN CZAK: Tamy, do you want to

address that?

MS. ABERNATHY: I think I'm going to have Ben address that.

MR. FRANCAZAK: Okay.

MR. MILLER: So I think of it as paragraph D is saying if the borrower meets the other criteria for forgiveness under an IDR plan or the alternative plan, but very few people are on that. We would discharge them again with the opt-out. So we're not changing the periods there of what counts toward forgiveness. As you may be aware, we have the payment count adjustment that, as part of a correction to some long standing challenges, is going to sort of re-baseline all the direct loan borrowers' progress toward forgiveness on IDR counts, as well as for the Department-held FFEL borrowers with respect to IPR. The paragraph C provisions related to 25 years since entry into repayment would run that clock in a way that counts periods that may not be counted toward IDR through the payment count adjustment. So, periods and defaults. Certain periods and deferments. Certain periods in forbearance. So there is some interrelation but there are different periods captured in paragraph C that would not be awarded in paragraph D.

DR. BISHOP: So, Ben, you're saying

that for borrowers, once borrowers receive this payment account adjustment, that that adjustment in theory should put borrowers who would have been on track for the 20-year cancellation under Income Based Repayment Plan, that adjustment is supposed to bring them back on track or account for them being off track?

MR. MILLER: I would look at it as it's going to give a reliable account of progress toward forgiveness, and includes crediting some time that we think should have gone toward forgiveness, but perhaps there was misuse of forbearances or certain deferments were not properly tracked. But once that's in place for everybody, it's going to give everyone sort of a cleaner account toward forgiveness that we have centrally calculated, which will make it somewhat easier to identify some of the people who potentially have hit either that 20 or 25 years here on the paragraph D, or perhaps the shortened periods on their SAVE.

DR. BISHOP: Thank you.

MR. FRAN CZAK: Alright. Thank you.

What if we go next to Wisdom Cole, Civil Rights Organizations.

MR. COLE: Yeah, I just wanted to re-emphasize the need for automatic discharge based on the information available to the Department being the most

equitable approach. I think when we talk about Black borrowers being disproportionately impacted by the lack of comprehensive public education on government programs, the automatic discharge is the best way to go. I think, again, as we've been talking about making sure those who are most impacted by student debt are able to receive this relief, I think the more that we expand that, and even as we saw in the president's plan, as there was the idea that was enacted of means testing and the great outcry of folks asking for that to be removed, and that being one of the key pivotal pieces, even why this whole thing went to the Supreme Court is absolutely necessary to be in consideration as we determine how to move forward.

MR. FRAN CZAK: Thank you, Wisdom. What if we go next to Sarah Butts, who is filling as primary for Student Loan Borrowers Who Attended Four-Year Programs?

MS. BUTTS: Thank you. We just want to thank you all for making the effort to automate the processes of applying for some of these programs, including the Public Service Loan Forgiveness Program. I'm wondering if you can- if the Department can provide data to us on the number of borrowers who received Public Service Loan Forgiveness and now have hanging loans that

were not forgiven. And also, if the Department has information on the number of public service professionals or essential workers, as defined by the Department of Homeland Security, who actually are not eligible currently for Public Service Loan Forgiveness. This would include individuals that are working in health care- as health care providers, in hospitals working for contractors, or also former government and military employees that are- that are providing essential services but may not qualify for Public Service Loan Forgiveness discharge.

MR. FRAN CZAK: Sarah, can you put those two data requests in the chat so we don't lose the context for it? And the Department can follow up with the two requests? Alright. Thank you. Scott Buchanan is next.

MR. BUCHANAN: Yeah. I want to, I think, make a couple of observations that hopefully, maybe the Department can consider. And as you're looking at, since it sounds like you've got other revisions as you're looking at making clarifying changes or technical changes, I mean, it's critically important, I think, especially in this provision. I mean, we're talking about literally six lines of regulatory text that sort of dramatically change the process by which some of these programs would be assessed. And one of the challenges

inherent here is some of these- some of this, once again, I mean, I think the Department needs to look very carefully from a legal perspective, run directly in contradiction of the HEA and the statutory requirements, not only for borrowers to actively enroll, but also for documentation. And I think that would be helpful to the Department to clarify how they might address some of these issues. For example, under 685.221, in that Income Based Repayment Plan, there's a requirement for demonstration of a partial financial hardship and going back and practically determining, over some period of time in long history, whether a Department- a borrower would have met those criteria, it's very difficult to understand how the Department would do that practically, and that could lead to long delays for borrowers receiving any benefit. Operationally, it could lead to a lot of errors, reliance upon NSLDS data, which everyone knows is notoriously fraught with challenges not only in the validity of that data, but also how to interpret it. So I think it would be helpful for everyone to fully understand how the Department would intend to operationalize this, because these sound really like good things. But if it's going to take us three years to determine what borrowers would be eligible under whatever rubric the Department decides, that's going to be

extremely confusing and frustrating for borrowers and I think sort of providing a road map of how the Department could do this. And again, at least on the FFEL side, further regulatory guidance, because while the Department has change requests to make declarations of how processes will work on the DL side, on the FFEL side, we rely upon regulatory guidance. And there's really no operational perspective that's provided in the reg that would even show us how to do any of this. So I think that's something the Department maybe you could take back and look at that section of the language and expand it, but then also once again and asked this- for this before, but provide us with sort of a legal memorandum or other guidance about the boundaries and scopes of how this reg would interact with the HEA in such a way that it once again could survive legal scrutiny, because I'd hate to pass this, take two years to try to operationalize it, and then it not happen because it's found to violate the HEA.

MR. FRANZAK: Alright. So Scott is representing FFEL lender servicers and guaranty agencies. And Tamy has a- her hand raised. Tamy, I'll turn to you.

MS. ABERNATHY: Yes. I'd like to go back to Sarah's data request. Sarah, we can look at the first part of your request with how many borrowers, PSLF



recipients with hanging loans. However, the second question, we do not have that data, so we will be unable to provide that to you.

MR. FRANCAZAK: Alright. Thank you, Tamy. Next in order, we have Jessica Ranucci, Consumer Advocates.

MS. RANUCCI: Thanks. I just wanted to clarify something. I saw a question in the chat and what we were talking about earlier. The way I'm reading this is that, you know, sections B, C, D, E, F, G, that the Department has of this [inaudible], each independent bases for waiver and that somebody might qualify for more than one, that's fine. They would just get the sort of mass that they're entitled to. But it's- you can look at them all separately and someone might qualify for 1 or 2. And they would just get sort of the best one that they qualify for. Is that the best way of looking at this?

MS. ABERNATHY: Yes. Jessica you're exactly correct. In fact, we look at looking at the interest one as like a one-time fix of everything that's out there. And then the other ones, just as you mentioned, it could be that they would have more than one waiver applied to their respective loan situation, depending on all of the different parameters. So, yes, you're exactly correct on that.

MR. FRAN CZAK: Alright. Thank you. And next we have Wisdom Cole, Civil Rights Organizations.

MR. COLE: Yes, I wanted to introduce some proposed rulemaking. I put it here in the chat as well. But also will submit it via a word document, particularly around the state of incarcerated student loan borrowers and the proposed rulemaking around forgiving the debt of borrowers who have spent or will be spending five cumulative years incarcerated borrowers with cumulative sentences over five years will likely suffer from the problem of lifelong impoverishment, due in part to inadequate servicing while incarcerated. Incarceration-related defaults cause significant financial harm upon reentry for these borrowers. Student loan defaults not only hurts borrowers credits, making it even more difficult to secure housing and employment after release, but it also increases their debt and puts them at risk of wage garnishment, precisely when they are most financially unstable. They deserve retrospective forgiveness, but also acknowledgment of the uncollectible nature of their debts and the atonement for the harm caused by insufficient help avoiding default. The Department's current ten-year write off policy should be revisited based on our new economic research, focused on financial hardship. Incarcerated individuals face both

pre- and post-incarceration. This research finds that the employment and earnings among the reentry population are uniformly low regarding the sentence length. First time incarceration spells, regardless of length, is correlated with the lifetime earning of the third and half followers lower. In fact, a five-year cutoff likely misses many incarcerated and formerly incarcerated borrowers who never are going to be able to repay those loans. The medium prison spells, at least among state prisons in 2018 was 2.7 years. Borrowers who are incarcerated for five years or more are highly unlikely to be able to repay their student debt, and in many instances, it is likely that the collection costs will exceed what little they are able to pay.

MR. FRAN CZAK: Wisdom, thank you for that. Could you please put that in a Word document, submit that as an email to the FMCS facilitation team and we will forward it to the Department from there. Alright. Thank you. So we'll move next to Lane Thompson, Lane, State Officials.

MS. THOMPSON: Hi. Thanks. I'm afraid I'm going to start sounding like a broken record here, but I just want to say that this section, again, kind of misses the folks who have missing loan data. The people with those broken records. By which I mean someone might

get rejected for a Public Service Loan Forgiveness because it doesn't show that they were in repayment during those months. And that might be an error at the servicer. It may be that they actually were in repayment. I've worked with a few borrowers already who have been asked to go get bank statements from their banks where they made those payments from 5, 10, 15 years ago. So I just want to bring that group back in here that, you know, if there isn't proper loan history, that they're still getting missed. So anybody who is, you know, missing information on their loan record may still be missed here.

MR. FRAN CZAK: Alright. Looks like Angelika Williams is back as primary at the negotiation table for private institutions. Is there any further? Oh, Tamy. Go ahead, Tamy.

MS. ABERNATHY: I'm sorry. I should have waited to raise my hand. Lane, if you would propose some regulatory text around some of that, we'd really appreciate that.

MS. THOMPSON: Will do.

MR. FRAN CZAK: Alright. And Lane, same process. If you could put that in a Word document and share it with the FMCS facilitation team. And then we'll forward it to the Department from there. Thank you, Lane.

Is there anything further you want to add at this point? Looks like you're muted. I'm going to take that as a no. Alright. Angelika, do you have your hand raised?

MS. WILLIAMS: Yes. I just- so that I can have a- increasing my understanding a little bit of regarding this text. I dropped it in the chat, but was there any specific reason why false certification discharges were left out of this text?

MR. FRAN CZAK: So your question is, is there a reason the FFEL discharges were left-

MS. WILLIAMS: False. False certification discharges were left out of this text?

MR. FRAN CZAK: Got it. Is there- yeah. Tamy.

MS. ABERNATHY: Based on- without an application for false certification, it'd be very difficult or impossible to tell who qualified for that.

MS. WILLIAMS: There's a clause in there for identity theft. So should schools not report this or? So identity theft falls under false certification.

MS. ABERNATHY: But we still believe that it would be in the best interest to have- we would have to have an application. So it would be- that's basically our position at this point. False

certification, without it, we really need the application to see and look at each case individually.

MR. FRAN CZAK: Anything further, Angelika?

MS. WILLIAMS: No, not at this time.

MR. FRAN CZAK: Alright. Next we have Kyra Taylor, Legal Assistance Organizations.

MS. TAYLOR: Thank you. Just following up on that last comment, there is a catch-all provision that any other loan discharge, cancellation or forgiveness program under parts 682 or 685 would be covered under part E, targeted forgiveness programs. And so presumably that would include false certification discharges, unpaid refund discharges, death discharges, etcetera. Is that incorrect, Tamy?

MS. ABERNATHY: No, we have that provision in there. But I think we need a little bit more clarification on exactly- we're kind of confused, so I'm sorry. So, Angelika, if you could go back and just re-ask your question again and let us take another look at that so that we can clearly understand. We know that certain, you know, identity theft and things like that, but we still believe that having that application assists us. But if you would ask us one more time and the team is looking at it and want to make sure that we answer it

correctly.

MS. WILLIAMS: I think there's context that- well I think in collaboration and working with universities under the false certification context, that the Department may be able to grab without involving the students to have to re-explain the situation. One, albeit, is identity theft, loans that are certified under identity theft, loans that are certified without the proper meeting, the proper requirements goes back to our conversation about predatory practices. So those situations, I think, are ultimately determined by the Department while working with universities that could eliminate the need for the student to apply for those, and having to go back and forth to the university to collect that documentation in order to apply, when there's other instances where that information could be substantiated through conversation with universities. So that's why I was just particularly asking so that I can get clarity on, you know, why was it not included? I do understand- you are correct, Tamy, there are some situations where the student may be able to clarify through the application their experiences of them being involved in this situation, because they may not know that they didn't meet the requirements. But just to help out some of these students who are, you know, as said-

stated before, they may not have the knowledge base to know these options are out here as well, and that's the population I'm sort of concerned about with that information being left out.

MS. ABERNATHY: Thank you for that clarification. And we'll try to clarify both you and Kyra's at the same point. The catch-all gives us the flexibility to pick up those other types of discharges. Realistically, it's going to be harder to identify eligible borrowers from the ones that we didn't list, because the way we're trying to find them for the other categories, we don't know how to find all of those. So it is possible that identity theft could be one of those ones that is picked up, but think it's not a particularly large category right now. So what we would probably do is continue where we are. But if you have any proposed language or something, either Kyra or Angelika, if you have anything that you think we should consider, I would encourage you to get that to us, for us to take into consideration, because I do think it's extremely important. We do have borrowers that have been caught in that identity theft loop. There's also provisions and stuff where we need to have proof of certain things. And, you know, there's a lot of lines of different things that we have to take as a department to make sure that it is a



true, legitimate claim. And so we want to make sure that we're being respectful of our taxpayers' dollars and also respectful of our institutions and our borrowers.

MS. WILLIAMS: That makes sense. Thank you. Tamy.

MS. ABERNATHY: Thank you.

MR. FRAN CZAK: Alright. Is there any further commentary on this issue related to eligibility? Thought we could take a short break now before we get into the next topic or-

MS. ABERNATHY: Michael?

MR. FRAN CZAK: Yeah.

MS. ABERNATHY: I believe Kyra wanted a caucus.

MR. FRAN CZAK: Okay. Do you want to-

MS. ABERNATHY: Kyra, are you still wanting that caucus or did we cover some of that?

MS. TAYLOR: I would appreciate still having that caucus.

MR. FRAN CZAK: And Kyra, who are you requesting to be a part of that caucus?

MS. TAYLOR: I would like the Department to join the caucus, the consumer advocate primary and the state AG primary.

MR. FRAN CZAK: Alright. So let's go,

so we can help our FMCS facilitators, can we name each person? So we've got the consumer advocates, that would include Jessica Ranucci.

MS. TAYLOR: Jessica Ranucci and then Yael Shavit.

MR. FRAN CZAK: Okay, and Yael Shavit, and then yourself, and then-

MS. TAYLOR: Yes.

MR. FRAN CZAK: And then anyone else?

MS. TAYLOR: And then members of the Department's General Counsel would be helpful.

MR. FRAN CZAK: Okay, so, Tamy, who do you want or do you want- do you want to identify folks from the Department for that?

MS. ABERNATHY: I would say Ben, myself, Soren, Brian Siegel, Toby Merrill.

MR. FRAN CZAK: Alright, so we have Ben, Tamy, Soren, Brian, Toby. Did I miss anyone?

MS. ABERNATHY: Me.

MR. FRAN CZAK: Yeah, I got you, Tamy.

MS. ABERNATHY: It's okay.

MR. FRAN CZAK: Alright. From the Department, Ben, Tamy, Soren, Brian, and Toby. Did I miss anyone? Okay. Brady, could you help us set that up? How much time do we want to allocate for that caucus?

MS. TAYLOR: I think 20 minutes, 20 to 30 minutes would be fine.

MS. ABERNATHY: We can do 20.

MR. FRANCAZAK: Alright. 20 puts us at 2:05.

MS. ABERNATHY: Right. We have- we still have stuff we need to get through this afternoon.

MR. FRANCAZAK: Yeah. And we got public commentary at 3. And we also have a- need a needed break before the public commentary. Also, I just want- a quick message to folks who will be public commentators. If you could please come into the meeting or request admittance in the meeting at least 15 minutes prior to when you are about to speak. So we can line up folks, because we do have an hour-long 60 minutes of public commentary. So we want to make sure that runs smoothly. So please, so you don't get skipped in line, please make sure you log in and attend 15 minutes prior to your designated time slot.

MS. JEFFRIES: Mike, I'm just going to interject here for a minute. I just need confirmation on the record that all parties named are agreeable to this caucus to participate. Okay. And did you want FMCS participation or no?

MS. TAYLOR: I don't think we need FMCS.

MS. JEFFRIES: Alright, great. That's all.

MR. FRAN CZAK: So let's create that and reconvene at 2:05. Alright. Welcome back everyone. We're returning from the caucus discussion back to the main room. And so I'm going to ask the group if we are ready to move to the next topic, which is the FFEL language. Are we okay and ready to begin that portion of the discussion? Alright. Sound okay? Is the Department ready with the language and the context for that regulatory text portion?

MS. ABERNATHY: Yes. Let's just make sure as soon as the team shares the document-.

FEMALE SPEAKER: I have it. I just need your signature because- I filled it out, though. Do you want me to- do you just want to bring it?

MS. ABERNATHY: Hello?

MR. FRAN CZAK: Someone is not muted. There we go.

MS. ABERNATHY: Wow. Alright. Thank you team for sharing this text on the screen. So this is issue four where we are in regulations 682.403. We propose- let me try that again. We propose adopting some, but not all of these ideas for commercial FFEL. This section is modeled on other FFEL sections, which provides

a way for the loan holder to be compensated for the discharge. We focused really on two types of policy changes, long time since entering repayment, and some instances where the Secretary determines the borrower isn't eligible but has not applied. Excuse me. Borrower is eligible but has not applied. We propose focusing on these items for a few reasons. First, FFEL borrowers, like direct loan borrowers, have access to the Income Based Repayment Plan, which provides forgiveness after 25 years of payments. They do not have access to the newer Income Based Repayment terms or other changes. So we think 25 years is appropriate here. Second, many of the targeted forgiveness programs do not apply to FFEL. That includes PSLF. Third, the gainful employment provisions apply to periods after new FFEL loans were no longer issued. Finally, the one-time action around borrowers who have balances greater than what they originally borrowed relates to our work to fix that problem going forward through SAVE. But by statute, FFEL loans of any type are not eligible for SAVE. We are looking at some areas here that will provide further clarification and- on the third session or at the third session. This includes clarifying we would be paying lenders 100% of the balances being discharged. The amount of time that might be needed for this process, and making sure the procedural elements of

these regulations are clear. We're also going to look at whether the inclusion of Income Based Repayment here really works, since these loans are not covered by the account adjustment. And also we're still many years away for the first commercial FFEL loan being eligible for Income Based Repayment. So I'd like to turn it over to Michael for wrap-up and- discussion and then wrap up for before public comment.

MR. FRAN CZAK: Thank you, Tamy. And yes, we want to save 10 to 15 minutes before public commentary, which is at 3:00. So we would take a break around 2:45 to allow for the tee up for the 60 minutes of public commentary. So with that, I'll open the floor to questions and comments over this particular issue and language that Tamy just shared. Alright, starting with Scott Buchanan of FFEL Lender Servicers and Guaranty Agencies.

MR. BUCHANAN: Yeah. No, well, thanks, Tamy, appreciate that. It sounds like y'all are- we're looking forward to some language for the next round that hopefully addresses some of the things I would have spoken about today already. So I won't go into a whole lot of detail because I've either already said it before today or it sounds like it's being addressed or considered here, but I think again, just reiterate some-

you know, we need to be thoughtful about sort of crossing over HEA statutory lines. Obviously, Congress very intentionally did not provide certain relief programs in the FFEL, whether we liked it or not, for many of us, we argued against that distinction when Congress made it, but they did it nonetheless, and that was their intent. And so we certainly need to be thoughtful about that. But I think it also would be, as you highlight, helpful to have some more granularity around sort of process and the manner in which the Department would make notification and pass back and forth information. So they're very practically, once again, since in the FFEL program, we rely heavily upon firm regulatory guidance outside of the change request process and the DL program, having that made more clear would be very useful. So we look forward to seeing the next round of edits and we'll provide comments then. So, thank you.

MR. FRAN CZAK: Thank you, Scott. In the chat we have two things to note. India Heckstall is coming in as primary for the Civil Rights Organization, and Jalil Bishop is coming in as primary for Student Loan Borrowers Who Attended Graduate Programs. Alright. And with that, I'll go next to Lane Thompson, State Officials.

MS. THOMPSON: This is not so much of

a comment specifically on the text here and more just kind of a general comment. In my experience as a regulator, loans that were originally made as FFEL loans, even after they got consolidated, are more likely to have errors in them here or there. And I guess I just kind of want to say I don't really see a whole lot of value for borrowers in the FFEL program existing at all. And I'd be interested to hear about if there's any options for kind of making all of those loans, direct loans, you know, that would avoid some of the crossing over to the HEA that Scott was mentioning. I just think that this program is a real challenge for most people with these loans, and I'd like to see the end to it eventually. Thank you.

MR. FRAN CZAK: Is there any other commentary from the Department relative to Lane's? Not at this time. Alright. Next we have Kyra Taylor. Kyra?

MS. TAYLOR: Thank you. I wanted to ask if the Department is going to provide similar language as to school-held Perkins Loans as well.

MR. FRAN CZAK: School-held Perkins loans, is your question correct? Is the Department prepared to address that now, or would you like-

MS. ABERNATHY: We're not.

MR. FRAN CZAK: Okay.

MS. ABERNATHY: We're not.



MR. FRAN CZAK: Not willing to address it now?

MS. ABERNATHY: No, we're not prepared to address it now.

MR. FRAN CZAK: Yeah.

MS. ABERNATHY: Let me clarify. Hold on.

MR. FRAN CZAK: Yeah, got it. So, Kyra, if you can add that to the chat as a question, that would be helpful, please. Alright. Next we have Jessica Ranucci. Jessica is Consumer Advocates.

MS. RANUCCI: Thanks. I appreciate your explanation that you've crossed reference to specific parts of D and E that would apply to the FFEL program, but think that since D and E require a loan to qualify for the program, I'm not sure that you would need to specify, and I don't think it matters a ton, except for that E has sort of the catch-all, like other target or other forgiveness and discharge programs and I think that FFEL borrowers who do qualify for other programs that FFEL loans qualify for should be able to fall into that catch-all, also. So I would recommend perhaps taking out the specificity. I don't think it's necessary here.

MR. FRAN CZAK: Is there something specific to that language, Jessica, that you think is

more specific that you'd like to highlight in some way for us?

MS. RANUCCI: Yeah. My point is, just think that you could say 30.80 C, 30.80 D, and 30.80 E without needing the separate subsections, because I think the regulatory text in subsection D and E already requires that a loan be eligible for the program as FFEL is not eligible for the program, the borrower, in fact, wouldn't qualify. Alternatively, to add, I believe it's subsection E15, the catch-all provision to that one- oh, sorry. Oh I see it is- the catch-all is in there now. Yeah. I'm sorry.

MS. ABERNATHY: Again, if you have proposed reg text or amendments to what we've provided, please provide that to us in a red line Word document and we'll be happy to take a look at it. Thanks so much.

MR. FRAN CZAK: Yeah. Jessica, thank you. So, yeah, so if you could put it in writing what you were specifically intending in terms of a red line, that would be helpful and share with us. Alright. Alright. So problem that as you noted. And then if you could share in writing that would be helpful. Alright. Other questions or comments? Alright, so it looks like in order we have Jalil then Sherrie. So I'll go with Jalil first, Home Loan Borrowers Who Attended Graduate Programs.

DR. BISHOP: I want to potentially bring us back a little bit to question one. I think there is under 30.80 part B, I think there was a conversation that is implied in the text, but didn't get lifted up or verbalized for the negotiators, particularly around whether or not the Department is considering capping interest or even means testing. We talked about it a little bit, so I just think I'd want to be on record saying that I think for borrowers who are not going to have the benefits of SAVE that if we cap interest or put in means testing that it has the potential to harm many borrowers and to defeat a lot of the relief and ideals and principles that the Department has suggested so far. So I just want it to be on record that if there is any consideration around capping interest, that I think that's something that does need to be verbalized for the negotiators to discuss and that there's a lot of evidence. And I think many negotiators will agree here that capping interest in any type of cancellation will be harmful for borrowers, or capping the amount of interest that can be canceled would be harmful for borrowers.

MR. FRAN CZAK: Thank you for your commentary, Jalil. Next we have Sherrie Gammage with Student Loan Borrowers Four-Year Programs.

MS. GAMMAGE: And mine is also a

comment. I noticed in the regulatory text that they were- that it said a true or exact copy of the original promissory note. And I wonder for loans taken 25 years ago, say 20 years ago or more, is this- will this create an undue hardship and I make this- I wonder this because some agencies so, for example, like Sallie Mae, are no longer handling student loans and maybe having to get a copy of that promissory note or a true exact copy may place an undue hardship on borrowers applying for relief under this. And as we've already discussed, agencies have data problems, especially those older agencies who are administering FFEL loans for the- under the Department for the Federal Government. So I wonder, is there- if the Department has any thought of how to proactively sort of address that issue.

MS. ABERNATHY: So the prom note here isn't provided by the student, but by the lenders and the servicers or the guarantor. So that is one way in which we would handle that particular circumstance. And there's a number- we have a whole division that works operationally with those borrowers and those lenders and their servicers. So, I don't have all of those details off the top of my head. So I don't want to speak ill of the whole process, but, you know, it is the responsibility of the lender and servicer guarantor to

keep a true and exact copy of that promissory note if the official, you know, signed exact- if the actual- the actual master promissory note or promissory note is not available, and there's a whole bunch of provisions around that in the regs.

MS. GAMMAGE: Thank you for that answer. That clarifies some of my questions.

MR. FRAN CZAK: Kyra Taylor, Legal Aid Organizations.

MS. TAYLOR: You know, I went right to my question about the Perkins Loans without stating the obvious, which is we are really excited that the Department is extending relief to commercially held FFEL loans. I will say many of our clients do not realize that they have FFEL loans, let alone that their loan is commercially held, and that cuts them out of forms of relief that they desperately need. And so we are really excited to see this provision within the Department's proposals.

MR. FRAN CZAK: Thank you for your commentary. Other questions or comments related to the topic. I'm not seeing any. Any additional comments from the Department? Nope. Okay, so it's 2:21. We could take our break now and that will then- it'll just be a little bit longer break before the public commentary. Are we

okay to take a longer break for such purpose or not?

MS. ABERNATHY: So I think there's a couple of reminders that I wanted to mention. First of all, we are addressing Josh's comment about the primary and alternate constituency group, so please don't think we just ignored that. We did have a couple of flags and I wanted to be mindful to say we are working on that and we're- FMCS will be working with Josh directly on that. So, stay tuned for next steps. The other piece of information I'd like to mention is we really- we know you guys are working hard and we appreciate it, but we're going to ask you to work a little bit harder for us in providing the reg text, any proposed amendatory or changes to our reg text. If you could get that to us no later than a week from Tuesday, we're going to need to have time to digest what you guys give us and go back to the table to try to amend our own proposed regulations for session three. And with the holiday and everything going on, we really want to try to get this information and come back for session three, including as much as possible based on your suggestions and your proposed amendments. So if you could just get that to us a week from Tuesday or excuse me, get it to FMCS a week from Tuesday, we'd be forever grateful. Thank you.

MR. FRANZAK: Thank you. Tamy. Any-

oh, Jalil has his hand raised, so I'll call on Jalil, Student Loan Borrowers Who Attended Graduate Programs. Go ahead Jalil.

DR. BISHOP: I would just like the Department, particularly related to the last request for us to send, you know, regulatory- proposed regulatory text, for the Department to give some clarification around what I think has been a consistent argument that something is not being covered or included or addressed because it's already covered by SAVE. I think, at least for me, it's- it limits what I may propose in regulatory text, if it's being presented at the Department's stance, is that they're not- you're not going to engage things that are already covered by SAVE and so I think some clarification around that because the Department also is making arguments, I think in this session and the rulemaking and the final rule around REPAYE that there's a lot that goes wrong with any of these different programs or plans or waivers, so there seems to be a working assumption that SAVE is going to work 100% without an issue, and that it's going- that because SAVE in theory captures a borrower that here in this process, we shouldn't be trying to create additional relief or really ensure that borrower is captured. So I just think some clarification so that when we're drafting our own

regulatory text, we have a sense of the Department is going to engage things that may, in theory, be covered by SAVE, which we simply just don't have enough evidence for, since SAVE is so new.

MS. ABERNATHY: So, if you could provide us an example that might help us better answer your question, but I will say this. I would go ahead and put in your proposal and let us take a look at it, and the SAVE regulations, while they are new and they are being implemented in stages, it's quite possible that what you're seeing right now is still current REPAYE, and it hasn't completely switched over to all of the provisions of the SAVE program. So for us to take a look at what you offer us, don't worry about what's in SAVE, what's not in SAVE, put in what you think the amendment should be and let us take a look at that. And then if you have a specific example, we might be able to further clarify that for you.

DR. BISHOP: No, I think that helps. I think the- I more wanted to just make sure for myself and another the other negotiators, that we weren't limiting what we put forward by some of the, what I think is the responses that that's already been [inaudible].

MS. ABERNATHY: I don't want you to limit your proposals. Go ahead and put them in and let us



navigate through what is or is not covered in that way. And that way the burden is on us. Also, I believe Wednesday- Wednesday, I'm sorry. I believe the date for next Tuesday is the 14th, so that would be the date that we would want the proposed amendatory text to be submitted by that date, okay? I just want to clarify that.

MR. FRANCAZAK: Alright. So that answers Jessica Ranucci's question in the in the chat. So it's November 14th date. Alright. Moving on. John Whitelaw. John, feel free.

MR. WHITELOW: Yeah, I have a bit of an elephant in the room question. What happens if there's a shutdown to this process and what you folks are able to do? You know, we all hope there isn't. But, you know.

MS. ABERNATHY: There are a number of ways that we will prepare for that and communicate out to you should that time arise. At this point, just note that we are looking at all of those provisions- you know, all of the things that we need to look at, and we'll communicate out to you when we have it- when we have an actionable plan, if it- if it's necessary.

MR. WHITELOW: Okay. So you'll let us know hopefully sometime that week I would imagine since.

MS. ABERNATHY: Well, we hope so.

MR. WHITELOW: 15th, 16th, one of those days.

MS. ABERNATHY: Just get your reg text in to us first and then we'll worry about everything else after.

MR. WHITELOW: Alright.

MS. ABERNATHY: We definitely will communicate out to you. We will not leave you guys hanging.

MR. WHITELOW: It's obviously going to be- you know, maybe it'll all go away, but we're not holding our breath.

MR. FRANCAZAK: Well, we will communicate what we know as soon as we know with all of you and go from there. And we appreciate your patience, and we'll work through it as best we can. Alright. Any other questions or comments or elephants in the room?

MS. ABERNATHY: No more elephants in the room.

MR. FRANCAZAK: Alright. It is- I have 2:28 p.m. Eastern Standard Time. What if we brought back all the negotiators- we take a break, and what if we brought back- ask all the negotiators to come back by 2:50 p.m. Eastern Standard Time? That would give us 10 minutes to make sure everyone's online. We got our folks

lined up for the public commentary. And then we'll go from there. If you are registered to provide public commentary, please arrive at least, you know, 15 minutes prior to your designated slot. We can admit you. If you're not in the order that you are listed, we would go to the next person. So it is of high priority that you're on the meeting call at the time of your designated time slot. So please, if you would, help us honor that so that your message gets put forward. Brady Roberts, is there anything further on that you want to add?

MR. ROBERTS: The only thing that I would request of folks is when they log on early, you all registered for public comment with a- with your name obviously, and then a constituency group if you wanted to provide one. If you want to have any indication of your name, just so we can match identities to folks that we're letting into the room, that's really helpful on our end, just so we don't accidentally skip over anyone. And we can progress along as quickly as possible from one speaker to the next.

MR. FRANZAK: Yeah. So, yes and that's why it's critically important you log on early so we can make sure we can match the name of the person who's coming in with who we have listed as the designated speaker for that time slot. And they have to match. So

please log in with the name you identified in registering for your time slot. Alright. Anything further on that before we take our break? Alright. If not, let's take our break and reconvene in 20 minutes. We'll reconvene back at 2:50 p.m. Eastern Standard Time.

MS. JEFFRIES: Okay. We can cut live feed.

MR. FRAN CZAK: Welcome back. So we are going to start next the public commentary section of today. And as was agreed at the last session, this particular period will be up to 60 minutes in length. Each registered participant will be given up to three minutes to share their perspective, and we will honor that as we move forward. And so next I'd like to share with facilitator Brady Roberts, who has an announcement.

MR. ROBERTS: Just again, if folks who are logging on to the public comment wouldn't mind confirming the name that they registered under, so we can let you in. And I know that Tamy had a few wrap-up comments.

MR. FRAN CZAK: I believe we're going to do those at the end of the public commentary. Yes. Okay, so, Brady, whenever you're ready, we'll get started with the public commentary.

MR. ROBERTS: Sounds good. I'm

admitting Tina Spitler, who is here representing herself.

MR. FRAN CZAK: Alright. Tina, can you hear us?

MR. ROBERTS: Looks like she's got audio enabled. Tina, can you hear us?

MS. SPITLER: I cannot hear you. I can't hear you.

MR. ROBERTS: Let me- let me message her and try to work on her sound. While I'm doing that, I'd like to admit the next speaker.

MR. FRAN CZAK: Yeah, let's go to the next person.

MR. ROBERTS: Okay, sorry about that. I'm admitting Craig Young, who is here representing himself.

MR. FRAN CZAK: Craig, can you hear us? Looks like Craig is connecting to audio. Can you hear us? Craig Young, can you hear us? Say something so we can check if we can hear you.

MR. YOUNG: Hello? You can hear me?

MR. FRAN CZAK: Yes.

MR. YOUNG: Okay.

MR. FRAN CZAK: Alright. You're all set. You have three minutes.

MR. YOUNG: Can you give me one

second? I just need to get my glasses.

MR. FRAN CZAK: Okay.

MR. YOUNG: Okay. Ready.

MR. FRAN CZAK: Alright. How about if you begin as of now.

MR. YOUNG: Okay. Thank you for having me today, I am here to speak about the new regulation that support the inclusion of hardship forgiveness under the proposed regulations. The definition of hardship should include family caregivers, specifically those who provide care for dependents with long-term medical needs. According to one study, 45% of these caregivers report experiencing negative financial impacts from caregiving. Yet, according to the AARP, caregivers save the government an estimated \$600 billion per year through free labor. The average hours are 24 hours per week for all caregivers and 40 hours for 1 in 4 caregivers. That forgiveness is urgently needed because the need for caregiving is expected to only increase, especially as the baby boom generation moves to retirement. My experience includes care for my mother, who lost her health insurance and passed away from cancer after she had a long-term struggle finding a health insurance company to receive care coverage. It also includes my grandmother, who I took care of for 18 years until she

passed away in 2019. She suffered from Parkinson's dementia, which included emotional disturbances such as yelling, hallucinations, cognitive decline, physical decline and towards the end, being bedridden. I fed her, helped her keep her comfortable and provided financial support. After eight years, she received some homecare. I continued to provide home care support, administering her medication, dressing wounds and advocating for her through the assistance of legal aid. There are an estimated 53 million Americans who provide this type of care. A disproportionate number are people of color. Caregiving takes a considerable toll on the health, emotional state, mental state, and financial well-being of caregivers. This is why I'm here to support the inclusion of caregivers in terms of any definition related to hardship. Thank you.

MR. FRAN CZAK: Thank you, Craig, for your testimony. Brady, who's next?

MR. ROBERTS: We still have Tina on. I've been trying to work with her on her audio issues. Tina, any chance you can hear us now?

MS. SPITLER: Yes, I can.

MR. ROBERTS: Okay, great. If you want, you can turn your video on, and then whenever you're ready, you've got three minutes.

MR. FRAN CZAK: Looks like she just muted herself. Here we go. Tina, can you hear us?

MS. SPITLER: Yes.

MR. FRAN CZAK: Okay. Start whenever you're ready.

MS. SPITLER: Okay. My name is Tina Spitler, and I have been working as a pediatric nurse for Children's Healthcare of Atlanta for over 30 years, dedicating my life's work for caring for children, ill children in need. I'm also a Parent PLUS Loan borrower that is eligible for PSLF due to children's qualifying under section 403(b). I'm speaking to you today to advocate for Parent PLUS borrowers. I'm extremely grateful for the PSLF waiver, which allowed previous payments that would not have qualified towards PSLF to be counted. Under this wonderful initiative, I now have seven years of qualifying payments counted. I'm now back in repayment, but unable to make qualifying payments because of the high monthly cost under the Income Contingent Repayment Plan. The only repayment plan available to Parent PLUS borrowers under the plan is the Income Contingent Repayment Plan. Under the ICR, monthly payments are extremely high and I am unable to find the money to make the payments, which counteracts the efforts pursued by the Biden Administration to reform the PSLF



system. I have now reached seven years of qualifying payments because of the PSLF waiver, but I will be unable to make qualifying payments for the next three years, and therefore loan forgiveness is out of the realm of possibility. It would be extremely beneficial if the eligible repayment plans could be expanded for Parent PLUS borrowers seeking PSLF, especially to include the new SAVE Plan. Even though three years of repayment under a large monthly payment seems possible through budgeting and restraint, the payments are so large that it is literally impossible to pay. For example, under the ICR plan, my monthly payment would be \$1,800, which is higher than my current mortgage. That amount is unpayable for my family because in addition to our monthly mortgage payment, we also have property taxes, utility bills, three elderly parents to care for, personal health care expenses, contributions for retirement, groceries, and nearly all of these expenses have been rising in cost because of inflation and increased property values in the- since the COVID pandemic. This problem is not unique to my situation. It is an issue that falls under question five being investigated by the committee. I would like to ask the committee to consider my situation during their negotiations to- in pursuance of solving issues that fall under the specific category. As a mother, I wanted to

provide the best opportunities for my children through pursuit and college education and the possibility for a family with two Parent PLUS Loans. The debt I have accrued from borrowing to provide for my children's education has been a huge burden on my finances. I do not mind continuing monthly payments to qualify for loan forgiveness under the PSLF plan, but I truly cannot afford the monthly payments under the current ICR plan. Even when my husband experienced unemployment last year and our monthly income was cut in half, the monthly payment was still unaffordable and an impossible amount to pay for average working public servant. I would like for there to be an end in sight for this huge financial burden, and there could be, if I could pursue PSLF under a more affordable repayment plan. I'm here before you to implore you, the Committee, to expand the available repayment plans for Parent PLUS borrowers under the PSLF, specifically to include the revolutionary SAVE Plan created by the Biden Administration. It would be life changing not only for me, but for other Parent PLUS borrowers.

MR. FRAN CZAK: Thank you. And it looks like she dropped off. Alright. Okay, so who do we have next, Brady?

MR. ROBERTS: I just admitted Michelle

Cote- is logging into the Zoom user, but she's here representing herself.

MR. FRAN CZAK: Okay.

MR. ROBERTS: Michelle, on your end, if you wouldn't mind logging out of the public link because there's like a five-second audio delay and we're going to get a bit of an echo. So if you can shut down that link and then whenever you're ready you have three minutes.

MS. COTE: Okay, thank you. Just one sec. Okay, I am ready. Can you see me?

MR. ROBERTS: We can, yes.

MS. COTE: Okay, and you can hear me? Okay. Awesome. Okay, so, dear Committee, I want to thank each and every one of you for listening today and for all of your hard work and creating the essential change needed to end rising student loan interest. I'll be as concise and as clear as possible. I paid my way through undergrad qualifying for the Pell grant as was considered low income. I worked from 7 to 5, went to school from 6 to 10 daily. My grades suffered, so I knew I couldn't work when going into my master's program. I had to bring up my GPA to get accepted into a PhD program. Unfortunately, I had no idea my grad school had no connections for internship placement so I was unable to

become licensed to work in my field, affecting the competitiveness of my PhD app. So as I scrambled to make use of a useless master's degree, I started taking full stack science courses for pre-med. I didn't have steady at- excuse me, didn't have time to study for the MCAT when loans became due, so I had to choose to delay loans for a year. I was lucky to get an entry job in clinical research because of my science background. However, during this time I lost a child and became very ill with Lyme. I couldn't work for over a year and interest kept growing. At this point I'm considered permanently disabled and unable to work. Yet I choose to push through and work despite a challenging- of the challenge of overcoming daily symptoms. I came out of school with around 62,000, which had ballooned to almost 95,000 due to interest forbearance and capitalization alone. The problem is the amount of crushing student debt and capitalization that has prevented me from being able to rent, much less own, a home. At this rate, I will never be able to pay back what I owe as interest continues to climb daily. To add insult to injury, my student loan servicer, Nelnet, can't give me a straight answer what plan I'm enrolled in. I've applied for the SAVE Plan more than once on the Federal.gov website, just to make sure. After spending four entire days on hold for over two

hours per call, Nelnet still can't tell me what type of loan I'm enrolled in, when my next thousand dollar monthly payment is due or why they have demanded monthly income statements for my IDR SAVE plan when the.gov website clearly states income taxes and W-2s are accepted. I'm a consultant and the company I work for was closed two-. I don't get vacation or sick days. I don't get paid time off to take any such time. So further confusion, Nelnet told me I've asked for forbearance once again and I have not. Then when I finally get them on the line, they read someone else's loan terms and contracts to me, telling me nonsense while giving me out someone else's private information. Committee members, please help. We're not asking for handouts. We're just asking for fair rates- for fair interest rates and a cut to loan [inaudible] rising interest rates. Thank you.

MR. FRAN CZAK: Thank you for your testimony, Michelle. Brady, who do we have lined up next?

MR. ROBERTS: Mike, I just admitted Ashley Nelson, who is here representing herself.

MR. FRAN CZAK: Okay.

MR. ROBERTS: It looks like she's in- can you hear us?

MS. NELSON: Yes, I can hear everybody now.

MR. FRAN CZAK: Alright, Ashley, you have up to three minutes for your public commentary. Start when you're ready.

MS. NELSON: Okay. Thank you very much. Hello. Thank you for having me here today. My name is Ashley Nelson and I am a social worker and a student loan borrower. When the one-time student loan cancellation program became available last year, I applied. As a Pell Grant recipient, I would have received \$20,000 in student loan cancellation. One month after I applied, I received an email from the Department of Education stating that my application was approved for loan cancellation. I relied on this information to make the decision to leave my Public Service Loan Forgiveness-eligible job to realize my dream of starting my own business, a business that I took a pay cut to establish. After leaving my PSLF-eligible job, a few months later, cancellation was struck down and now I am on the hook for my entire student loan balance and I am no longer accruing qualifying payments. I was financially harmed when the cancellation program did not go through, and many others relied on this cancellation and very much needed this too. I asked that the Department of Education use negotiated rulemaking to make good on loan cancellation that was promised to borrowers because the

Department has the authority to do so and should honor their commitment to provide this relief. Thank you for your time and consideration. I relinquish the remainder of my allotted speaking time.

MR. FRAN CZAK: Thank you, Ashley.

Alright, Brady, who do we have next?

MR. ROBERTS: I just admitted Alexa Stipkala, who is representing her employer, which is the Cantera group.

MR. FRAN CZAK: Alright, Alexa.

MR. ROBERTS: It looks like they've logged on and they've enabled audio.

MR. FRAN CZAK: Alexa, can you hear us? You're muted at the moment. There you are.

MS. STIPKALA: Yes, I can hear you.

MR. FRAN CZAK: Okay.

MS. STIPKALA: Open for me to speak?

MR. FRAN CZAK: Yes. So you have up to three minutes. Feel free to start as soon as you're ready.

MS. STIPKALA: Thank you for this opportunity. I would like to pose a question that I haven't seen addressed anywhere else. How will future student loan repayment proposals recognize the work of Federal contractors? As you're aware, the Federal

government staffs a large number of positions by way of contracting mechanisms. These allow the Government to meet mission needs without the cumbersome process of bringing on Federal staff, and they allow the Government to relinquish these workers when the need has been satisfied, or another company can better meet these needs. Some estimates suggest that 40% of the workers carrying out the US. Government operations are Federal contractors. Due to the nature of contract work. These workers do not enjoy the longevity and stability of Federal employment, yet they are working side by side with Federal employees to carry out the same mission. What can the Biden Administration do to improve student loan forgiveness eligibility for this category of worker? In my instance, I have close to 12 years of work directly serving Federal government operations, though I've only ever been employed by contracting entities. This concludes my comment. Thank you.

MR. FRAN CZAK: Thank you, Alexa.

Alright, Brady, next up?

MR. ROBERTS: Alright. I just admitted Audrey Cobb, who's representing herself.

MR. FRAN CZAK: Audrey, can you hear us?

MS. COBB: Yes.



MR. FRAN CZAK: Okay, so you have up to three minutes for your public commentary. Feel free to start as soon as you're ready.

MS. COBB: Okay. Hello. My name is Audrey Cobb. You can hear me?

MR. FRAN CZAK: Yes.

MS. COBB: Great. Okay, so I'm a former public school teacher in Florida. I taught from 2000 to 2013. I applied for the Public Service Loan Forgiveness program, and I was denied because there's a special start year of 2007, so only 6 of my years were counted instead of the 13. I believe this is unfair to all teachers who have taught. I believe that at the very least, I should get six years' worth of forgiveness prorated. And at the best, I should get all of my student loan debt forgiven.

MR. FRAN CZAK: Thank you. Audrey. Anything else?

MS. COBB: No. I think this just isn't fair to all the teachers that have done this, that the 2007 was just a magical number, and it only starts from 2007 on, so only 6 of my 13 years were counted. And when I was told this, it like literally shattered me because of my student loan debt. And they told me, just teach for four more years. And I said, you know, I'm so poor as a

teacher in Florida, I can't possibly do that. So I just hope that the Government can see that, you know, teachers are amazing and I gave 13 years of my life. And I feel as though it should be forgiven, not just because, I didn't, you know, teach after 2007 for 10 years because I stopped in 13. That's it.

MR. FRAN CZAK: Audrey, thank you for your public commentary.

MS. COBB: Thank you. Bye-bye.

MR. FRAN CZAK: Thank you. Bye-bye.

Brady?

MR. ROBERTS: Alright, I just admitted Samer Hassan. He's representing himself.

MR. FRAN CZAK: Okay.

MR. ROBERTS: And it looks like he's connected to audio, but his video is not- Samer, do you maybe have like a- yeah, I was going to say privacy. Yeah. Okay.

MR. FRAN CZAK: Alright. Yeah, Samer, you have up to three minutes for your public commentary. Feel free to get started as soon as you're ready.

MR. HASSAN: Okay. Thank you. One second. Okay. Good afternoon, I am Samer Hassan, a student loan borrower. I took out student loans for undergrad at Columbia University in New York and grad

school at the University of Chicago Harris School of Public Policy. Thanks for taking the time to listen to my comment as you all work diligently to establish a rule related to the modification waiver, or compromise of Federal student loans. We were told to do everything we could in order to achieve the American Dream, and that included taking out extortionary loans. Neither of my parents finished beyond their freshman year of high school, and I ended up graduating from an Ivy League. I firmly believe that a college degree is a catalyst for moving up the economic ladder in life. We go to school to seek fulfillment and use it as a step toward achieving our dreams. Yet the reality is a life full of worry. Worry for our future. The future of the nation, as it rather saddled millions of student loan borrowers with bills they can't afford, rather than do everything it can to ensure they succeed. Imagine a nation that supports its people instead of building hurdle after hurdle after hurdle. This government has money for endless genocidal wars, while we can't even have access to healthcare, public transportation, or quality education. The Administration needs to start treating students like the investments in this country they really are instead of liabilities. Now that school is over, I worry if I will be able to pay off \$120,000 worth of loans. My story is

not unique. 40 million student loan borrowers are screaming at the top of their lungs for an equitable pathway to achieving the American Dream. The Department has the authority to cancel student loan debt and establish a better- establish better mechanisms for achieving a college degree. Canceling up to 50K in student loan debt would significantly reduce the racial wealth gap, secure economic mobility for communities historically marginalized, and lift the burden of the student debt crisis for millions. The original plan to cancel student debt relief in amounts of 10K and 20K for Pell Grant recipients should be the start, not the ceiling. Additionally, while we welcome the SAVE Repayment Plan, the Biden-Harris Administration must leave out borrowers- must not leave out borrowers who pursued graduate education or supported their children in accessing higher education by ensuring any adjustments to fix the student loan system include. Thank you, and Parent PLUS borrowers and that they equally benefit from such adjustments. Thank you so much for taking the time out of your day to read my- and to listen to my testimony.

MR. FRAN CZAK: Thank you. So, we have- there are four folks who were scheduled to be on who have not logged in to comment, so we are moving more quickly

through this public commentary section. So if there are folks who were waitlisted and you are interested in providing public commentary, please log on and we will work to get as many within the time slots that we have, up to the 4:00 timeframe. Brady?

MR. ROBERTS: I've admitted Neal McCluskey, who's the Director of the Center for Educational Freedom at the Cato Institute.

MR. FRAN CZAK: Okay.

MR. MCCLUSKEY: Thank you. My name is Neal McCluskey, and I am the Director of the Center for Educational Freedom of the Cato Institute, which is a nonprofit, nonpartisan public policy research organization. My comments are my own and do not represent any position of the institute. First and foremost, I want to express my disappointment in the makeup of this committee, not who is on it. I think every member seeks to represent their constituencies well, but who is not representatives of the millions of taxpayers who foot the bill for revenue loss due to decreased debt repayment. Only about 14% of Americans ages 18 and above have current student loans. 23% have already repaid, and a large majority, 63%, have never had student loans. The committee should have a majority representing American taxpayers who have never had loans, but instead they have

essentially no representation. This is especially concerning given that the average lifetime earnings for a bachelor's degree or above, versus anyone's education with high school diploma, is between an additional 1.2 million and \$3.1 million, depending on the level of the degree. People who attend college are poised to be major economic winners. They should pay the costs of investing in themselves, not taxpayers. They should also bear the risk of an overly expensive or poorly scrutinized investment. That incentivizes thoughtful, efficient education. Alas, creating a committee composed overwhelmingly of people representing groups that will benefit from debt cancellation will actually hurt future prospective college students. The promise of easy forgiveness will incentivize colleges to charge ever higher sticker prices on the grounds that many students will feel they can accept those prices without having to actually pay them. A 2017 survey found that half of students expected at least some of their debt to be forgiven. What is being discussed by this committee could amplify that. And who do skyrocketing prices hurt most? The people who need or most need help. Those from low income families, especially in areas where few people know how the student aid game works, who see giant sticker prices and rule schools out. In other words,

reducing the amount of loans that borrowers need to repay both hurts taxpayers and many of the people that Federal Student Aid is supposed to help. And all of this is occurring through a bureaucratic process that is grossly undemocratic and a violation of constitutional separation of powers. It is the legislative branch, not the executive, that is charged with writing laws, including the major components of Federal programs. Thank you.

MR. FRAN CZAK: Alright, Neal, thank you. Alright. Who do we have next, Brady?

MR. ROBERTS: I just admitted Emmett Blaney, who is representing himself.

MR. FRAN CZAK: Alright. Emmett, can you hear us? Emmett?

MR. BLANEY: Hi. Can you hear me?

MR. FRAN CZAK: Yes, Emmett. We can hear you now. Can you hear us?

MR. BLANEY: Yes.

MR. FRAN CZAK: Alright. You have up to three minutes. Feel free to start as soon as you can.

MR. BLANEY: Thank you. Good afternoon. My name is Emmett Blaney. I'm a Coloradan, a social worker, and a student loan borrower. I'm representing myself. Thank you to the entire negotiated rulemaking committee for taking the time to hear my

comments on student loan cancellation. In June, I graduated with my Master of Social Work degree. Like many social workers, I pursued this degree to serve the public interest. The price I pay to perform this service is \$49,907 in student debt. Due to the size of my debt and the size of social work salaries, I'm forced to pursue Public Service Loan Forgiveness. The PSLF program seems like my only hope at paying off my loans, but it is a complicated, lengthy, and stress-inducing process. It is not a substitute for debt cancellation. Sometimes when I'm up late at night, I find myself googling unanswerable questions. Questions like, is the Supreme Court going to get rid of PSLF? Or should I wait to have a child until I pay off my loans? These searches are often followed by a recurring dream. I'm alone in the middle of a massive body of water, kicking as hard as I can, desperately trying to keep my head above the surface. The stress is not isolated to me. The data shows that many young adults are in the same position. I speak to you personally as members of the committee to say, if you are a baby boomer or a part of Gen X, my generation's net wealth is less than half what yours was when you were my age. Your retirement accounts grow more than double the rate of mine. Racial wealth disparity makes these gaps even more egregious. Young Black Americans and Latinos earn 57 and



64 cents, respectively, for every dollar earned by young white Americans. Young Black Americans have amassed only a 10th of the wealth of young white Americans. The great news is we have an opportunity to change this. We can take the first leap. You can take the first leap. The original plan to cancel student debt in amounts of 10 thousand and 20 thousand for Pell Grant recipients should be the absolute bare minimum of student debt cancellation. Canceling up to 50,000 in student debt would open the door to closing the racial wealth gap, encouraging young adults to participate freely in our economy, and inspiring young people to pursue fields that desperately need us. Fields like social work. I pursued my education with the intention of serving the greater good, but I can't serve the greater good if I can't keep my head above the water. I urge you to fight for student borrowers trying to make our way into the world. I urge you to fight for an equitable pathway to student debt cancellation. I can't keep my head above the water, but you can throw me a life jacket. Thank you.

MR. FRAN CZAK: Alright. Thank you, Emmett. Brady, who's next up?

MR. ROBERTS: Alright, I just admitted Anh Nguyen Tran, who's here representing herself.

MR. FRAN CZAK: Anh, can you hear us?

MS. NGUYEN TRAN: Yes, I can hear you.  
Can you hear me?

MR. FRANCAZAK: Yes. So you have up to three minutes for your public commentary. So feel free to start as soon as you're ready.

MS. NGUYEN TRAN: Sounds good. Good afternoon, everyone. Thank you for giving me the chance to speak. My name is Anh Nguyen Tran. My comments are my own and represent my own views. And I'm a former student loan borrower. I have already paid off my student loans. I'm here to speak because I recognize that there are still many Americans struggling under the weight of this debt. I want to confirm to everyone that even people who have no personal stakes in student loan cancellation recognize its importance. I was personally able to pay off my loans during the COVID pandemic when interest rates were paused. I was lucky that my loans were under 10K and that I was living at home. Because I wasn't burdened by student debt, I decided to pursue graduate level education. However, there are so many Americans that have not been as lucky as me in today's economy, with inflation causing gas and food prices to skyrocket. It's continued to increase, especially in high cost of living states. I can't imagine how I would have been able to pay off my loans, especially if my debt had been any

higher. How can people save for emergencies, retirement or other major life events such as being laid off? How can people afford to pay for the roof over their heads if they're burdened by student debt repayments? And how can people continue to pursue higher education at the graduate level if they decide to, with this debt they have? Graduate education is oftentimes a good path forward for people who want to invest in their economic futures. And this is not the only thing that student debt can deter people from. Student debt can discourage people from moving locations to areas beneficial for their career paths, for instance, or from buying a home. There's so many ways that student debt can prevent people from experiencing economic mobility. I commend Biden's original plan to cancel 10K or 20K for Pell Grant borrowers, but I sincerely believe that this should only be the [inaudible]. There should be no ceiling for student debt relief, and students of color have higher loan debts on average and are more likely to struggle with debt repayments. They are also more likely to drop out of college, which may leave them thousands of dollars in debt and no degree to show for it. Canceling up to \$50,000 in student loans will promote economic mobility for millions of Americans, especially those from marginalized communities. I also commend the Biden

Administration's SAVE Repayment Plan, but I argue that parents who borrowed on behalf of their students under a Parent PLUS Loan should be included as well. Thank you, everyone, for your time and your efforts.

MR. FRAN CZAK: Thank you. Brady, who do we have next?

MR. ROBERTS: Alright. I just admitted Justine Obiakor, who's here representing Young Invincibles.

MR. FRAN CZAK: Alright.

MS. OBI AKOR: Hello, thank you everyone.

MR. FRAN CZAK: Can you hear me?

MS. OBI AKOR: Yes, I can hear you. Can you hear me?

MR. FRAN CZAK: Yes. So you have up to three minutes for your public commentary. Feel free to start as soon as you're ready.

MS. OBI AKOR: Okay. So thank you, everyone. Good morning. My name is Justine. I'm a newly licensed registered nurse and a current psychiatric mental health nurse practitioner graduate student and also a student loan borrower. I wanted to speak from the perspective of having 50K plus loan in that area, and actually six figures plus, at this point. I'm first

generation American and coming from migrant parents, having access to loans was taught to be, you know, an opportunity of American Dream and that there were no other options. But as I continue on in my education, I'm seeing the repercussions of it. Although I do not regret my investment in my education and my development, I do severely worry about myself, my peers, and the future generations coming up being faced with this burden to then have to figure out how to pay it back. Right now I'm doing a program. It's a combined program, so I came in with a different degree. I have my bachelor's in mental health and my masters and health policy, and I basically did a crash course in nursing, and now I'm specializing. So my goal here today is to really urge the Department of Education to do everything possible for student loan borrowers. I'm at the point where I continue to take on debt because I'm in it so deep now, there's no other option. Working in public health and public policy wasn't going to be able to provide the life and the resources that I needed, especially being first generation and having family to support and also try to encourage them to continue on in their educational journey, as I'm the first one to go to a university. So right now, I really urge that you guys consider, as you're delegating and conversating around this, about really lifting the burden

of the student debt crisis for millions of Americans. I know my story is different, but it's not the only one. There's many other people that probably have it even more than I do. So I really do encourage you guys to continue the efforts for relief in and amounts of, you know, 20 plus K for the Pell Grant recipients and also looking into the savings of valuable education repayment plan that the Biden-Harris Administration, you know, said that they were going to pursue for graduate education. And also, to look at the people who supported their children by getting student loans for their Parent PLUS borrowers, and really figuring out a way that we can invest in our people and our economy as far as the personal development and education. I'm passionate about the work I do, but I also need to be able to take care of myself to continue on and do this work. So I'm not saying that this is an easy request, but I do understand that there's other countries that do things differently and don't think it's an impossible thing to reimagine how we- how it is we approach education, and especially this debt crisis, because, again, I'm in a situation- that was three mins?

MR. WEATHERS: 30 seconds left.

MS. OBIAKOR: Oh, okay. I'm in the situation where I'm going to continue on and teach. I basically joined a student loan forgiveness program. And

this is just me scratching for ways that I can be free. I've worked in public health. I've worked in nonprofits. I understand the ten-year debt forgiveness. I'm saying there has to be a creative approach that we can really address the needs of people to be developed and pursue their passions, but also be able to take care of themselves and not carry this burden on. So I really urge you guys to come together and get creative in these conversations. Thank you.

MR. FRAN CZAK: Thank you, Justine, for your public commentary. Alright, Brady, who do we have next?

MR. ROBERTS: I just submitted Desiree Veney, who is the vice president of the Morgan State Chapter of the NAACP.

MR. FRAN CZAK: Okay. Desiree, can you hear us?

MS. VENEY: Yes, can. Can you hear me?

MR. FRAN CZAK: Yes. Alright. You have up to three minutes for your public commentary. Feel free to start as soon as you're ready.

MS. VENEY: Okay, great. First, I want to say good afternoon. My name is Desiree Veney. I'm the Vice President of the Morgan State Chapter NAACP as well as a student loan borrower. Thank you all for taking time

to listen to my comment as you all work diligently to establish a rule related and modification, waiver, or compromise of Federal Student Loans. First, I want to say being a out of state student at an HBCU has significantly impacted my school and financial experience, particularly when it comes to borrowing loans. While attending a Historically Black College University, it has been very enriching and both empowering, but it also has come with its own set of challenges. As an out-of-state student, tuition costs are higher, and securing financial aid or scholarships specific to my state of origin, which is Pennsylvania, has been more limited. This has led to a heavier- a heavier reliance on student loans to cover the gap and consequently I find more of myself facing a larger debt burden compared to in-state students. I also come from, you know, a bigger, larger family, so, you know, financial security sometimes began to be a problem, but even then, I plan to further my education. So with that- you know, with that, having that in the back of my head, sometimes knowing that I'm already kind of so deep into the debt already and I still plan to pursue to be successful sometimes can be, you know, a burden mentally, physically, financially. It just goes more than just financially, I would say. For Black and African Americans, getting an education is one of the top



priorities. Yet, debt from student loans has emerged as a significant obstacle to success in the workforce. I believe that the Black population, especially Black women, will greatly benefit from the cancellation of up to \$50,000 in school debt. Borrowers who are burdened with college debt suffer from far reaching adverse impacts that hinder their capacity to participate in the economy and prosper in the modern labor market. We need to ensure economic mobility for historically marginalized communities, alleviate the burden of the student debt problem for millions of people, and drastically narrow the racial- excuse me, the racial wealth gap, which is a large problem within our economy and our- in the United States in general. Furthermore even while we applaud the saving on valuable education repayment plan, the Biden-Harris Administration must make sure that borrowers who are supported and who support their children or, you know, are pursuing graduate education, that they're not left out. So I feel that this repayment plan will be a great way to save, you know, not only African Americans, but our nation in general and give everyone a chance to further their education.

MR. FRAN CZAK: Desiree, thank you for your public commentary.

MS. VENEY: No problem. Thank you for

this opportunity. I truly appreciate it.

MR. FRAN CZAK: Sure. Brady. Who's up next?

MR. ROBERTS: I just admitted Markyel Pittman, who's the State President of the Mississippi Youth and College and the Co-Chair of the Political Action Task force at the NAACP.

MR. FRAN CZAK: Okay. Markyel, can you hear me? You're muted at the moment. Can you hear us now?

MR. PITTMAN: Good evening, everyone.

MR. FRAN CZAK: Alright, Markyel, you have up to three minutes for-

MR. PITTMAN: My name is Mark Pittman, I'm the State President for the Mississippi State Conference of the Youth and College Division. I first want to thank you all for this opportunity and to our director that is on. Thank you for the opportunity as well. I am a proud Native of the great state of Mississippi, where I attended and still am attending Jackson State University as a grad student in political science. And today I kind of want to talk about what I've endured in the hardship of being a Black man attending an HBCU and kind of some of the things that I've endured. So growing up in the Mississippi Delta, as you all may know, is one of the poorest regions in all of America. It is

not likely that most Black men make it out and further their education past high school, if they make it out of high school. And being a Black man that made it out and was able to go to Jackson State to look and pave new ways not only for my community, but Black men as a whole, this was not an easy loophole. I was raised by a- in a single-parent household by my mother, and I seen how my mother had to work two and three jobs just to sustain and make sure that I had a proper education, and just to make sure that I could do what I wanted to be in life. And once I got to Jackson, I thought that maybe because I'm going to a HBCU, a curriculum that was built for me where I could be my own natural, proud Black self, it was not what I thought it was. When I got there, my living conditions were well below means. When I got there, I realized that I did not have the same resources that the University of Mississippi had, or the University of Mississippi State had. And so being- knowing that I was already, for one, a Black man and having strikes against me, when I got to Jackson State, I didn't feel like I wanted to feel. I didn't have that same aspiration and that same drive, but I knew that I could be that person to potentially help my university get to where it needs. And so as time went on, I finally did get my degree and I thank God for my university simply because it made me the man that I am.

But this is not an easy system, because for people that are like me, this is- I'm probably one out of every 200 students that have this opportunity being a Black man from the Mississippi Delta. And so I want to plead with you all on today that student debt should be erased a lot of people in the state of Mississippi do not have the opportunity to even go to college, simply because they cannot afford \$200,000 worth of debt. And once we get out of these places and get out of school, we have the mindset, okay, will I even get a great enough job or a good enough job to be able to go on and pay off this student debt? And that's my question. Will I be able to get the right job once I get out of school in order to pay my student debt off? This is not easy in Mississippi, where the average Black salary for a Black man is about 40-

MR. FRAN CZAK: We have- we have other public commentators, we have to share the time.

MR. PITTMAN: I beg your pardon. Is somebody speaking? I can't hear.

MR. FRAN CZAK: Yes. This is Mike Franczak, facilitator. The three-minute time period has been- has- is up. So, thank you for your time. We appreciate it. Alright, Brady, who's up next?

MR. ROBERTS: Alright. I just admitted

Matthew Moore, who's here representing himself.

MR. FRAN CZAK: Alright.

MR. MOORE: Hello.

MR. FRAN CZAK: Matthew, can you hear us?

MR. MOORE: Yeah, I can hear you.

MR. FRAN CZAK: So you have up to three minutes for your testimony. Please start as soon as you're ready.

MR. MOORE: Okay. Yeah, so, hello. My name is Matthew Moore, and I'm a resident of Washington State. First off, I want to thank those for continuing to fight for student loan forgiveness. I believe that is in our best interest to make education free as an educated populace is a benefit to all society. This is a good step towards that goal. Today I'm making public comment to share my experience and thoughts. Hopefully this information is valuable. From my perspective, going through a college program was a necessary option to achieve my goals of becoming an engineer, for the sake of contributing to a better design world. College not only offers a space to learn, but more importantly, a way to prove your competence to prospective employers. Unfortunately, it seems that the latter point has created a pathway for the price of higher education to inflate,

which it has done significantly over time compared to wages. To the young and unsuspecting student, this situation has only gotten worse. Fortunately, I was old enough and wise enough to lessen my burden by earning an engineering degree through a combination of community college and public college, which left me with a less than average debt of 23,000. However, I still cannot anticipate the future. I graduated right at the height of the pandemic and was fortunate enough to work as a student researcher, earning enough that if I didn't have any needs, such as food or shelter, I could pay off in about a year. Unfortunately, my needs left no room for debt repayment. As pandemic cooled off, I was later able to get work as a service provider for the Weatherization Assistance Program, earning enough money that if student debt was my only obligation, I could pay it off in half a year. Around this time, I was now supporting my then girlfriend with an equal amount of debt, so my position was the same. Our basic needs left no room for debt repayment. In 2022, I took a job as a civil engineer in public sector that did create a pathway for repayment, but would at the cost of pausing our life goals for being for an indefinite amount of time. Our primary goal is being marriage, finding a permanent home, and fostering or adopting kids. Soon after beginning this new job, I

was ecstatic as we both received emails to apply for student debt relief, which we accepted shortly after. Not long after that, we achieved one of our goals and got married at the local courthouse. When we later found out the decision for student debt relief was reversed, it was like a stab in the back. Knowing that the issues surrounding the inflation of the cost of education has been recognized by the Federal Government, dangling relief in our face and then taking it away is just sick. On average, after rent, utilities, food, healthcare, taxes, maintenance and other necessities, all of which continue to inflate in price, I will just make enough with diligent spending that we can only barely make our payments and nothing else, effectively pausing our goals for a decade. That's my situation. Thanks for listening.

MR. FRAN CZAK: Thank you for your public commentary, Matthew. Next up, Brady?

MR. ROBERTS: Okay. Just admitted Lisa Salmons, who's here representing herself.

MR. FRAN CZAK: Okay. Lisa, can you hear us?

MS. SALMONS: I can hear you. Can you hear me?

MR. FRAN CZAK: Yes. Alright, so you have up to three minutes. Feel free to start as soon as

you're ready.

MS. SALMONS: Okay. Hello. And thank you for having me today. I graduated in 2020 with a Doctorate in pharmacy, and it is concerning to me that after working tirelessly during the pandemic, not one healthcare worker has a seat on this committee. It is uncommon for several types of healthcare workers to work within settings that would qualify them for PSLF, including pharmacists, even though most of us work in the community providing critical access to medications. Many health care workers are drowning in student loan payments, but are being considered by the Government to be high wage earners. Wage is not the equivalent of wealth. And regarding wealth, I'm a second-generation college student in my family, but just barely. My mother graduated from medical school and residency when I was a freshman in high school. This left my parents with almost no time to prepare for my college tuition. I would like it to be known and be entered into record. As the student loans currently stand, the Department of Education is an active participant in predatory lending. In the three years I was obtaining my doctorate, I borrowed \$152,000. As of 8/23, my loans carry a balance of \$172,000. With my current interest rates, my loans are accruing \$748 in interest every 30 days, and depending on which available



plan I pick for repayment, I will pay 220 to \$330,000 to repay the original \$152,000 I borrowed. During COVID, business owners filled out a one-page application for PPP loans and were not required to prove they were experiencing hardship and had \$800 billion forgiven. They also did not have to prove they were in business 20 to 25 years to receive this stimulus. Students deserve the same courtesy. The SAVE program does not help graduate student borrowers. The student loan burden is making it impossible for the healthcare community to attract the brightest applicants. I have some ideas and requests to reduce student loan financial hardships. I am proposing a one-time \$100,000 forgiveness for every healthcare graduate student loan holder now and upon future graduation. That includes OT, PT, pharmacists, DNP, NP, PA, etcetera. Regardless of loan age and income amount, applicable for all loans, Parent PLUS subsidized and unsubsidized, and for the Department to reduce student loans by \$10,000 for every year that a student works within the field that they received a degree in, especially healthcare workers, including a current retroactive lookback. This, in turn, will incentivize students to be good stewards and borrow money with the intention of working in a field that they borrowed in. I'm also requesting the Department of Education get the

regulatory text before the proposed November 2024 date. I understand that you would love to unveil this right before the election to sway voters. It is time the DOE remembers that we are also taxpayers and not political pawns.

MR. FRAN CZAK: Thank you for your testimony, Lisa. Alright. Brady, who do we have next?

MR. ROBERTS: Alright. I just admitted Emily Fardo, who is here representing herself.

MR. FRAN CZAK: Okay. Emily, can you hear us?

MS. FARDO: I can. Can you hear me?

MR. FRAN CZAK: Yes, Emily. All good. So as soon as you're ready, you have up to three minutes. Feel free to start as soon as you're ready.

MS. FARDO: Can you see me? I don't think my camera is-

MR. FRAN CZAK: We can't see your camera.

MS. FARDO: Okay. Alright, no problem. I'll go ahead and get started. Thank you. Hello. My name is Emily Fardo, and thank you for giving me the opportunity to speak with you all today. I received my Doctor of Pharmacy in 2018, but it was a bittersweet accomplishment as it marked the beginning of my journey

with a substantial debt burden exceeding \$230,000. This encompasses my personal loans and my Parent PLUS Loans. On my pursuit of higher education, while personally enriching, has left me facing financial hardships. Today, I would like to propose some resolutions and forgiving interest accumulating on these loans for borrowers, regardless of the loan amount, length and time and repayment, income in profession, and allowing students to only pay on the original principal. It's a known fact that many of us in this country hold professional degrees. We do hold a bulk of the student debt. My situation is not unique, as many pharmacists and other healthcare professionals find themselves in similar predicaments. We earn slightly more than the average middle class citizen, yet our significant monthly loan payments strain our finances, and regrettably, our income levels often disqualify us from loan forgiveness programs despite our genuine financial hardships. The Department of Education has made the process of acquiring a student loan very easy, and the repayment and forgiveness process is almost impossible. My father was unemployed and was approved to take out a Parent PLUS Loan on my behalf, amounting to approximately \$150,000, which now I pay for and does not qualify for Income Based Repayment options. As of graduation, my loans totaled \$230,000, with an

average interest of 7%. I chose the standard ten-year repayment plan, which will equal about \$400,000 in total repayments. The interest alone accounts for about \$1,300 per month. Currently, after taxes, I'm making \$6,000 a month and paying \$3,000 each month towards my student debt, which is about 50% of my income. Given my monthly student loan payments of about 50% on top of other expenses such as rent, groceries, car payments and insurance, I'm left with barely \$200 per month, making it nearly impossible for me to purchase a home, save for child care, let alone pay for any unexpected medical expenses. I've always earned just above the government threshold and have never qualified for financial assistance or relief, even though I've worked tirelessly throughout the pandemic. Personally, I've administered thousands of vaccines, worked demanding 80-hour weeks to ensure the safe supply of life-sustaining medications to my community. During the pandemic, billions of PPP loans were granted to businesses with little to no proof required to show that they were experiencing hardship, yet students like myself are held to a higher standard and are required to jump through all kinds of hoops to prove our hardships. I'm just asking-. Thank you. In the beginning of the pandemic, bills were introduced to reward health care workers for working tirelessly during

COVID, and those have not come to fruition. I'm asking today that the Department of Education do something about this and forgive interest accumulating on these loans for all borrowers, as these loans have left us facing extreme financial hardships. Thank you all for listening and for your time today.

MR. FRAN CZAK: Thank you for your public commentary, Emily. Alright, next up Brady.

MR. ROBERTS: Alright. I just admitted Stacey Borden, who's the founder of New Beginnings Reentry Services.

MR. FRAN CZAK: Alright, Stacey, can you hear us? Stacey, can you hear us?

MS. BORDEN: Yes, I can hear.

MR. FRAN CZAK: Okay, sounds like you're all set. As soon as you're ready, you have up to three minutes. Please begin.

MS. BORDEN: Thank you. Dear members of the Department of Education, my name is Stacey Borden. Thank you for allowing me the space to speak regarding student loan debt relief, negotiated rulemaking. I'm here today to bring to your attention a pressing issue that affects individuals like myself who have faced significant challenges due to our experiences within the criminal justice system and subsequently, the burden of

student loan debt. I humbly request your consideration of the unfairness surrounding the student loan debt policy as it pertains to formerly incarcerated individuals. My personal experience, I spent three and a half years at Framingham State Prison and subsequently entered obstacles when attempting to pursue higher education at Boston University. Despite my strong desire to become- or better myself and contribute positively to society, I was informed that I did not meet the sentence equivalent requirements for a four-year degree program. However, I was permitted to audit certain courses and writing history and mathematics, although these efforts did not lead to any credits toward a degree. It is important to note that the Massachusetts Correctional Institute oversees both the Women's State Prison and all the male state prisons, and it should ideally be offered equitable programming and leadership roles for individuals incarcerated. Inconsistencies in access to education can perpetuate disparity and hinder successful reintegration into society upon release. Upon my release in 2010, I embarked on a journey to pursue higher education in 2011 and successfully completed my master's degree in 2016. During my educational journey, I initially received a Pell Grant for the first two years, which was an inevitable support. However, this financial aid

discounted or discontinued leaving me with a substantial student loan debt burden. I have worked in the nonprofit and human services sector since 2015, and I still work in nonprofit, assisting women returning from prisons to help them reintegrate back into families and communities, earnings there are still keeping me in an impoverished state, most likely due to my criminal court- [30 seconds]. I'm sorry?

MR. WEATHERS: 30 seconds remain.

MS. BORDEN: One of the most expensive housing markets in the country, while grappling with the weight of \$68,000 student loan debt has created an unsubstantial financial hardship. It is disheartening to face the reality that even after paying my debt to society and contributing to my community, I'm still struggling to make ends meet and lead a stress-free life at age 62 years old. Is that my time up?

MR. FRAN CZAK: Alright. Thank you Stacey. Appreciate it. Alright. So Brady, we have, I believe, three more slots still designated. So who's up next?

MR. ROBERTS: I just admitted Nancy Nearman, who's the Assistant Director of the Education Debt Consumer Assistance Program.

MR. FRAN CZAK: Nancy, can you hear us?

MS. NIERMAN: I can hear you. Thank you.

MR. FRAN CZAK: Great. You have up to three minutes. Please start as soon as you're ready.

MS. NIERMAN: Great. Good afternoon. My name is Nancy Nierman. I am the Assistant Director of the Education Debt Consumer Assistance Program, a New York State funded program which provides free assistance to borrowers struggling with student loan debt. We've provided counseling to thousands of individuals over the past four years, and it is from this experience that I speak to you today. There are several issues I'd like to address. First, on the subject of hardship, I feel compelled to highlight the plight of Parent PLUS borrowers. The number of Parent PLUS borrowers has increased by almost 20% in the last nine years, and the size of the debt that they are holding has risen by almost 80%. Borrowing \$100,000 per child or \$25,000 per year is not uncommon. And between the high interest rates and limited repayment options, many borrowers cannot afford any repayment plan. The idea that parents are in a better position to absorb the cost of attendance for an affordable- for an undergraduate degree is misplaced and is jeopardizing the middle class. Without access to more affordable repayment options, these borrowers will be



forced into default. We implore the Department to allow Parent PLUS borrowers to access more generous repayment plans like SAVE. On the issue of how the Department can assist borrowers who are eligible for forgiveness but don't apply for it, we appreciate the efforts made by the current administration to address long-standing issues with programs like PSLF and IDR forgiveness. However, changes have come with a set of complex and ever-changing rules, making it almost impossible for the average person to figure out what they need to do to benefit. Additionally, servicers often provide inaccurate information, compounding the problem. Borrowers with non-direct loans face a deadline of December 31st to consolidate and gain access to forgiveness programs without losing some or all retroactive credit. As advocates, we simply don't have enough time or resources to reach and educate every borrower who falls into this category. Borrowers with Pell, Perkins, and HEAL Loans should be able to consolidate and get retroactive payment credit towards forgiveness with no set deadline. To do so otherwise is simply unjust, as these are often the borrowers who have been dealing with this debt for decades. And finally, I'd like to talk about the issue of servicer accountability. If a borrower acts or fails to act- fails to act based on misinformation from servicers

and they miss out on opportunities or suffer harm, they should be held harmless and their issue be corrected. I offer up a few recent examples. One client had different loan repayment histories and should have qualified for a full balanced forgiveness under the IDR account adjustment, but MOHELA incorrectly advised them that loan consolidation would cause them to lose all retroactive credit, leading to partial forgiveness and extended payments with no apparent recourse. In another case, I listened with my own ears as a client who had both Parent PLUS Loans and her own student loans, was told to consolidate all her loans together to gain access to SAVE, which is incorrect and would have left her with an unaffordable ICR payment for her entire balance. So, I thank you again for allowing me to address the committee.

MR. FRAN CZAK: Thank you, Nancy, appreciate it. Alright, Brady, did we go through everyone on the registered list?

MR. ROBERTS: We do, we have time for one more on the waitlist, who I just admitted, and that's John Burkey representing Burkey Capital LLC.

MR. FRAN CZAK: Okay, so we'll take this last one. John, can you hear us?

MR. BURKEY: Yes.

MR. FRAN CZAK: John, okay, you have up

to three minutes. Please start as soon as you're ready.

MR. BURKEY: The subject of my comments would include the cohort of almost all student loan debtors. A significant consequence of student loan debt has been a delay in homeownership and the opportunity for wealth creation via the home ownership ladder. Often, the burden of paying down or paying off student debt impairs savings for down payments. This delay results in a seemingly endless treadmill of never getting ahead with rising rents, rising home prices, and compounding the issue, albeit likely only temporary rising interest rates. Accordingly, an impending dynamic structural paradigm shift in mortgage lending may provide an opportunity to enable home ownership more specifically. Traditionally, mortgage lenders are limited to loans not exceeding 97 to 100% of the home's collateral value, or what's known as LTV loan to value. However, considering advances in data and processing technology, behavioral credit analysis, and the historical record of home appreciation averaging about 4.3%, it may be possible to issue home purchase mortgages that fund the home purchase and pay off student loans. Given the historical growth and if you want to consider a 120% loan to value, meaning the home purchase plus 20% to pay off the student loans, in less than five

years, the home value could exceed the mortgage balance, effectively using wealth creation to extinguish the student loan debt, and this would be at no cost to taxpayers. To follow is a little bit of a template could be used for the rule. I don't know exactly where it would fit in. For any lender issuing a first lien fixed rate mortgage for the purchase of a primary residence whereby the mortgage lender pays off the borrower's student debt balance owed to the Department of Education, and includes that paid off amount in the mortgage, and in the event the mortgage loan subsequently defaults including but not limited to bankruptcy and by some sort of legal proceeding, causes a deficiency of the house liquidation proceeds to satisfy the mortgage loan balance, the Department of Education would reinstate the student loan debt to the student borrowers up to the deficiency amount, not to exceed the original student loan amount that was paid off and pay back that amount to the first lien mortgage lender. We call it a clawback provision and it would allow almost everyone-. And that's it.

MR. FRANZAK: Thank you John, appreciate your public commentary. Thank you to all who gave public commentary. Encourage folks to register for future public commentary sessions. Unfortunately, that's all our time for public commentary today. I believe the

Department of ED has some wrap-up comments, and I'll turn it over to, I believe, Tamy.

MS. ABERNATHY: Thank you. Michael.

Thank you so much, FMCS, the ED team, my PCG team, negotiators and the public. We've had a full day of formidable discussion and have heard a lot of good ideas. As a reminder, please submit your proposals, amendatory text to us no later than Tuesday, November 17th. We look forward to seeing you again tomorrow and continuing our work on student aid- student debt relief negotiations. We plan to start the discussion with gainful employment and low financial value and CDR, cohort default rate, in the morning, and wrap up the afternoon with a discussion on the hardship issue paper. We welcome your important feedback. Have a wonderful afternoon and thanks again for your participation in this very important work.

MR. FRAN CZAK: Thank you everyone.

We'll see you tomorrow.

**Zoom Chat Transcript**  
**Student Loan Debt Relief Committee - Session 2, Day 1, Afternoon, November 6, 2023**

**\*Chat was copied as presented, as a result minor typos or grammatical errors may be present.**

From Brady Roberts (FMCS Facilitation Team) to Everyone:

Would folks mind changing their display names to indicate their role and constituency group?

From (A) Josh Divine - State AGs to Everyone:

What is the timeline for submitting the proposal for a new constituency?

From John S. Whitelaw, (he/him) Advocacy Director, CLASI (Delaware) to Everyone:

I assume there would be an opt out for folks who qualify but do not apply?

From P- Kyra Taylor, Legal Aid Orgs to Everyone:

Can you also speak to the statutory discharge provision, Ben?

From P-Sherrie Gammage-4 Year Borrowers to Everyone:

Sarah Butts will take over as Primary

From Sarah Butts, (she/her) P- 4 yr. borrowers to Everyone:

Agree with Richard's comments. Consolidation has been a major problem for borrowers. If borrowers are eligible for PSLF and or already received PSLF discharge and have hanging loans, we would like them to forgive those hanging loans.

From (P) Richard Haase - Graduate Borrower to Everyone:

How does "has not successfully applied for, but otherwise meets the eligibility requirements" catch the many borrowers who appear to be eligible or were eligible but have been denied due to servicer mishandling, misinformation, etc.?

From P- Sandra Boham, HBCUs, TCCUs, and MSIs to Everyone:

I agree that the process for PSLF is prohibitive. The application process is difficult and creates a barrier to applicants who are eligible. It would seem that this is another area where automation would be an option

From Sarah Butts, (she/her) P- 4 yr. borrowers to Everyone:

Reacted to "I agree that the pro..." with 👍

From A-Sherrie Gammage-4 Year Borrowers to Everyone:

Reacted to "I agree that the pro..." with 👍

From (A) - David Ramirez - 2yrBorrower to Everyone:

Reacted to "I agree that the pro..." with 👍

From (P) Angelika Williams: Private, Nonprofit Institutions to Everyone:

How does this text consider the interconnected aspects with other sections we previously discussed? For instance, there are Public Service Loan Forgiveness (PSLF) applicants who might qualify for waivers as outlined in Borrower Eligibility Requirements paragraph c.

From (P) Angelika Williams: Private, Nonprofit Institutions to Everyone:

"Borrower Defense to Repayment and False Certification" can this text be revised to include False Certifications.

From (P) Richard Haase - Graduate Borrower to Everyone:

Would like to see Joint Consolidation borrowers and Public Employees contracted by third party employers added to the regs here.

From P- Kyra Taylor, Legal Aid Orgs to Everyone:

+1 to Yael

From P - Lane Thompson - state agencies to Everyone:

+1 to Yael - PSLF reconsideration is not working (taking many months, returning the same errors), and there is not a reconsideration process for most folks who are rejected from TPDD, BDR, IDR etc.

From (P) Richard Haase - Graduate Borrower to Everyone:

+1 to Yael: providing statutory relief to people eligible but wronged in loan servicing does not run conflict to the intent of their respective programs

From A-Jalil Bishop-Graduate Student Borrowers to Everyone:

Coming in as primary

From P-Vincent Andrews-Veterans & Service Members to Everyone:

Tied to Richard's point above, Veterans leave the military and go on to primarily work for these 3rd party government contractors. If difficult to understand that this work for the government isn't included in public service credit

From (P) Jada Sanford - Currently Enrolled to Everyone:

+1 Sandra!

From A- Susan Teerink - Private non-profit institutions to Everyone:

Reacted to "+1 Sandra!" with 👍

From A- Susan Teerink - Private non-profit institutions to Everyone:

Susan Teerink is coming in as primary for Private institutions

From Sarah Butts, (she/her) P- 4 yr. borrowers to Everyone:

Can the Department of Education provide data on the number of borrowers who have received PSLF forgiveness, but nonetheless have remaining loans that were not forgiven (i.e. hanging loans).

From John S. Whitelaw, (he/him) Advocacy Director, CLASI (Delaware) to Everyone:

Automation is critical for individuals with disabilities as the TPD experience has shown.

From Sarah Butts, (she/her) P- 4 yr. borrowers to Everyone:

Can the Department of Education provide data on the number of borrowers who are public service professionals (i.e. essential workers, healthcare providers, former military working for contractors) who do not qualify for PSLF despite their years of public service.

From P- Kyra Taylor, Legal Aid Orgs to Everyone:

Agreed that we appreciate that the Department is exploring ways to increase automation to provide relief to borrowers

From Sarah Butts, (she/her) P- 4 yr. borrowers to Everyone:

Reacted to "Agreed that we appre..." with 👍

From A- India Heckstall, Civil Rights Organization to Everyone:  
Reacted to "Agreed that we appre..." with 👍

From (A) - David Ramirez - 2yrBorrower to Everyone:  
Reacted to "Agreed that we appre..." with 👍

From A-Jalil Bishop-Graduate Student Borrowers to Everyone:  
Reacted to "Agreed that we appre..." with 👍

From A- Susan Teerink - Private non-profit institutions to Everyone:  
Angelika Williams has returned as primary for Private instutions

From A-Sherrie Gammage-4 Year Borrowers to Everyone:  
Reacted to "Agreed that we appre..." with 👍

From (P) Richard Haase - Graduate Borrower to Everyone:  
+1 for need to address borrowers with missing/broken loan data

From P- Kyra Taylor, Legal Aid Orgs to Everyone:  
+1 re: missing payment history/student loan data

From Sarah Butts, (she/her) P- 4 yr. borrowers to Everyone:  
Sher Gammage is coming back in as primary for 4 year borrowers.

From P- Kyra Taylor, Legal Aid Orgs to Everyone:  
Can we move to our caucus?

From P-Sherrie Gammage-4 Year Borrowers to Everyone:  
How is the Department addressing communication to borrowers who may qualify for borrower defense? I ask because folks may not know they are eligible

From P-Sherrie Gammage-4 Year Borrowers to Everyone:  
Restatement of my question: Besides posting on ed.gov has the department sent a letter or email to borrowers informing them of their rights under borrower defense? It seems to me that now would be a good time to do it proactively if it has not been done in that we are in negotiated rulemaking sessions

From A- India Heckstall, Civil Rights Organization to Everyone:  
India Heckstall coming in as primary for civil rights orgs

From A-Jalil Bishop-Graduate Student Borrowers to Everyone:  
Coming in

From P- Kyra Taylor, Legal Aid Orgs to Everyone:  
Is the Department planning on providing a similar provision for school-held Perkins loans as well?

From P-Yael Shavit-State AGs to Everyone:  
+1 to not include a means test requirement for this relief

From P- Kyra Taylor, Legal Aid Orgs to Everyone:  
+1 re: not requiring means testing

From A- India Heckstall, Civil Rights Organization to Everyone:  
+1 to not include a means test requirement for this relief

From (P) Richard Haase - Graduate Borrower to Everyone:  
+1 no means testng

From Sarah Butts, (she/her) A- 4 yr. borrowers to Everyone:  
+1 no means testing

From P - Lane Thompson - state agencies to Everyone:  
+1 for not means testing this relief



From P-Yael Shavit-State AGs to Everyone:  
 +1 to Kyra's support for ED's inclusion of commercial FFEL loans

From P- Jessica Ranucci (Consumer Advocates) to Everyone:  
 +1 to Kyra

From (P) Richard Haase - Graduate Borrower to Everyone:  
 +1 to including FFELs here

From P - Lane Thompson - state agencies to Everyone:  
 +1 to Kyra's support of including commercial FFELs

From A-Jalil Bishop-Graduate Student Borrowers to Everyone:  
 +1 to including Perkins loans

From P- Jessica Ranucci (Consumer Advocates) to Everyone:  
 Is that date 11/21?

From John S. Whitelaw, (he/him) Advocacy Director, CLASI  
 (Delaware) to Everyone:  
 Ms. Wilkerson will be subbing in for me during the public  
 comment.

From A- Edward Boltz (NACBA/NASLL) to Everyone:  
 Alternates too?

From A-Jalil Bishop-Graduate Student Borrowers to Everyone:  
 +1 everything Tina has said. Parent Plus borrowers who  
 consolidate should not be excluded from SAVE and should be addressed  
 in this rulemaking session

From Sarah Butts, (she/her) A- 4 yr. borrowers to Everyone:  
 Reacted to "+1 everything Tina h..." with 👍

From P-Sherrie Gammage-4 Year Borrowers to Everyone:  
 Reacted to "+1 everything Tina h..." with 👍

From (A) - David Ramirez - 2yrBorrower to Everyone:  
 Reacted to "+1 everything Tina h..." with 👍

From A - Jordan Nellums -Currently Enrolled  
 Postsecondary to Everyone:  
 Reacted to "+1 everything Tina h..." with 👍

From P- Sandra Boham, HBCUs, TCCUs, and MSIs to Everyone:  
 Reacted to "+1 everything Tina h..." with 👍

From Sarah Butts, (she/her) A- 4 yr. borrowers to Everyone:  
 Removed a 👍 reaction from "+1 everything Tina h..."

From Sarah Butts, (she/her) A- 4 yr. borrowers to Everyone:  
 Reacted to "+1 everything Tina h..." with 👍

(ED Note: Files are available on the Department of Education's [2023-2024 Neg Reg website](#))