

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

Meeting Summary

**October 10-11, 2023**

**Welcome**

Tamy Abernathy opening and introduction of Under Secretary James Kvaal introduction

Department of Education Under Secretary of Education James Kvaal thanked the Committee members for agreeing to assist the Department in developing the proposed regulations.

Tamy Abernathy introduced as the Federal Negotiator.

Tamy Abernathy provided the committee with an introduction of herself, an opening statement, and introduction of Mr. Ben Miller, Deputy Under Secretary in the Office of the Under Secretary.

Ben Miller addressed the committee with an opening statement.

**Introductions**

Commissioner Cynthia Jeffries of FMCS introduced the Department of Education General Counsel non-voting members: Brian Segal, Lead General Counsel (absent today), Soren Lagaard, who addressed the committee and introduced Toby Merrill who gave a brief statement to the committee.

The FMCS Team of Commissioners Cynthia Jeffries, John Weathers, and Mike Franczak introduced themselves. Commissioner Brady Roberts was absent from the sessions but will be joining the team for future meetings.

Committee members introduced themselves by virtue of rollcall.

**Overview of the Negotiated Rulemaking Process**

Commissioner Cynthia Jeffries, from the Federal Mediation and Conciliation Service (FMCS), explained and reviewed the negotiated rulemaking process, the virtual meeting technology, the protocols, consensus, and how to submit questions and information via the FMCS team.

**Review and Adopt Protocols**

The Committee approved the organizational protocols as proposed.

The Committee approved expanding public comment to sixty (60) minutes beginning with November 6-7, 2023 Session dates.

### **Additional Membership Discussion and action**

The Committee approved by consensus the following alternate vacancies to existing constituency groups as follows:

#### **State Officials, Including State higher education executive officers, State authorizing agencies, and State regulators of institutions of higher education alternate position.**

The alternate nominee was Ms. Amber Gallup, New Mexico Higher Education Department.

#### **Historical Black Colleges and Universities, Tribal Colleges and Universities, and Minority-Serving Institutions (institutions of higher education eligible to receive Federal Assistance under title III, parts A and F, and title V of the HEA)**

The alternate nominee was Ms. Carol Peterson, Langston University.

Two additional constituency groups with Primary and Alternates were approved by consensus as follows:

#### **Constituency Group:** Consumer Advocates

Primary nominee: Jessica Ranucci,  
New York Legal Assistance Group

Alternate nominee: Ed Boltz, Law Offices of John T. Orcutt, P.C.

#### **Constituency Group:** Individuals with disabilities or groups that represent them:

Primary nominee: John Whitelaw

Alternate nominee: Waukecha Wilkerson  
Sacramento State University

The addition of a third constituency group was defeated by consensus.

All committee approved primaries and alternates were contacted by FMCS for confirmation of acceptance and joined the session.

### **Membership**

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

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

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

## The Agenda

The first session’s agenda included discussion focused around five questions.

Question #1 focused on: Are there ways to help borrowers who are in situations where they have seen their balances grow due to the accrual of unpaid interest such that many now have overall balances higher than what they originally borrowed.

Question #2 focused on: How could the department better assist borrowers who are eligible for forgiveness under programs such as income-driven repayment but who do not apply for those programs?

Questions #3 focused on: How should the Department consider debts taken out by students to attend programs when it was later found such programs did not provide a minimum level of financial value sufficient to make loans affordable.

Question #4 focused on: How should the Department treat loans that first entered repayment

many years ago, including will prior to the creation of additional benefits? How should the Department apply the FCCS compromise principle to loans that the borrower is unable to repay in a reasonable amount of time.

Question #5 focused on: What are potential types of hardship that borrowers may continue to face and how might the Department address those cases of hardship?

### **Discussion of Questions**

There was discussion beginning with the Department reviewing the background associated with each question one at a time. Then, Committee members had the opportunity to engage with the Department directly to offer their interests, concerns, preferences, and possible solutions relative to each question.

### **Public Comment**

The Committee provided opportunity for public comment at the end of each day. Public comment was received on both days of the session.

### **Next Meeting**

The next meeting will be held via Zoom Gov November 6-7, 20

### **Next Steps**

FMCS will distribute a final summary and a final agenda to the negotiators. In addition, the Department will distribute draft regulatory policy text prior to the next negotiation session. Any information that committee members want to share with the Department, or the Committee as a whole, should be sent to the facilitators. Additionally, any questions members have should be directed to the facilitators.

Committee members will communicate with others within their communities of interest to inform and get feedback from them.