



MAACS
MID-ATLANTIC ASSOCIATION OF CAREER SCHOOLS

FEDERAL LEGISLATIVE & REGULATORY UPDATE



Tuesday, July 25, 2023



MAACS
MID-ATLANTIC ASSOCIATION OF CAREER SCHOOLS

AGENDA

Everything But the Kitchen Sink!

- Judicial Update
- Regulatory Update
- Legislative Update
- Q&A



JUDICIAL UPDATE





**“STUDENT LOAN RELIEF FOR
BORROWERS WHO NEED IT MOST”**



In the Supreme Court of the United States

**JOSEPH R. BIDEN, PRESIDENT OF THE UNITED STATES,
ET AL., PETITIONERS**

v.

STATE OF NEBRASKA, ET AL.

DEPARTMENT OF EDUCATION, ET AL., PETITIONERS

v.

MYRA BROWN, ET AL.

*ON WRITS OF CERTIORARI BEFORE JUDGMENT
TO THE UNITED STATES COURTS OF APPEALS
FOR THE EIGHTH AND FIFTH CIRCUITS*

BRIEF FOR THE PETITIONERS

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record

BRIAN M. BOYNTON
Principal Deputy Assistant
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Deputy Solicitor General

VIVEK SURI
YAIRA DUBIN

LISA BROWN

STUDENT BORROWER RELIEF JUDICIAL TIMETABLE

LITIGATION TIMETABLE

Wednesday, January 4

Biden Administration Student Loan Debt Cancellation Brief Due to the Supreme Court

Friday, January 27

Plaintiff's Response to the Administration's Student Loan Debt Cancellation Brief Deadline

Wednesday, February 15

Biden Administration Response Brief Due to the Supreme Court

Tuesday, February 28

Oral Arguments Before the Supreme Court on Student Loan Debt Cancellation

Friday, June 30

Supreme Court Rulings

The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

DEPARTMENT OF EDUCATION ET AL. *v.* BROWN
ET AL.

CERTIORARI BEFORE JUDGMENT TO THE UNITED STATES
COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 22–535. Argued February 28, 2023—Decided June 30, 2023

To alleviate hardship expected to be caused by the impending resumption of federal student-loan repayments that had been suspended dur-

prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

BIDEN, PRESIDENT OF THE UNITED STATES, ET AL.
v. NEBRASKA ET AL.

CERTIORARI BEFORE JUDGMENT TO THE UNITED STATES
COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 22–506. Argued February 28, 2023—Decided June 30, 2023

Title IV of the Higher Education Act of 1965 (Education Act) governs federal financial aid mechanisms, including student loans. 20 U. S. C. §1070(c). The Act authorizes the Secretary of Education to cancel or

STUDENT BORROWER RELIEF DECISIONS



STUDENT BORROWER RELIEF DECISIONS

DEPARTMENT OF EDUCATION v. BROWN

Held:

Because respondents fail to establish that any injury they suffer from not having their loans forgiven is fairly traceable to the Plan, they lack Article III standing, so the Court has no jurisdiction to address their procedural claim.

Respondents' standing claim most clearly fails on traceability: They cannot show that their purported injury of not receiving loan relief under the HEA is fairly traceable to the Department's (allegedly unlawful) decision to grant loan relief under the HEROES Act.

- 1) Significantly, respondents are not claiming that they are injured by not being sufficiently included among the Plan's beneficiaries: They think the Plan is substantively unlawful and instead seek debt forgiveness under the HEA. But a decision regarding the lawfulness of the Plan does not directly affect respondents' ability to obtain loan relief under the HEA;
- 2) Respondents' attempts to tie the Plan to potential HEA relief are unavailing.

Vacated and remanded.

STUDENT BORROWER RELIEF DECISIONS

BIDEN, PRESIDENT OF THE UNITED STATES v. NEBRASKA

Held:

- 1) At least Missouri has standing to challenge the Secretary's program.
- 2) The HEROES Act allows the Secretary to "waive or modify" existing statutory or regulatory provisions applicable to financial assistance programs under the Education Act, but does not allow the Secretary to rewrite that statute to the extent of canceling \$430 billion of student loan principal.

In sum, the Secretary's comprehensive debt cancellation plan is not a waiver because it augments and expands existing provisions dramatically. It is not a modification because it constitutes "effectively the introduction of a whole new regime." *MCI*, 512 U. S., at 234. And it cannot be some combination of the two, because when the Secretary seeks to add to existing law, the fact that he has "waived" certain provisions does not give him a free pass to avoid the limits inherent in the power to "modify." However broad the meaning of "waive or modify," that language cannot authorize the kind of exhaustive rewriting of the statute that has taken place here.

STUDENT BORROWER RELIEF DECISIONS

BIDEN, PRESIDENT OF THE UNITED STATES v. NEBRASKA

Held:

- 2) The HEROES Act allows the Secretary to “waive or modify” existing statutory or regulatory provisions applicable to financial assistance programs under the Education Act, but does not allow the Secretary to rewrite that statute to the extent of canceling \$430 billion of student loan principal.

The Secretary also appeals to congressional purpose, arguing that Congress intended “to grant substantial discretion to the Secretary to respond to unforeseen emergencies.” On this view, the unprecedented nature of the Secretary’s debt cancellation plan is justified by the pandemic’s unparalleled scope. But the question here is not whether something should be done; it is who has the authority to do it. As in the Court’s recent decision in *West Virginia v. EPA*, given the “history and the breadth of the authority” asserted by the Executive and the “‘economic and political significance’ of that assertion,” the Court has “‘reason to hesitate before concluding that Congress’ meant to confer such authority.”

Reversed and remanded.



being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

STUDENTS FOR FAIR ADMISSIONS, INC. *v.* PRESIDENT AND FELLOWS OF HARVARD COLLEGE

**CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE FIRST CIRCUIT**

No. 20–1199. Argued October 31, 2022—Decided June 29, 2023*

Harvard College and the University of North Carolina (UNC) are two of the oldest institutions of higher learning in the United States. Every year, tens of thousands of students apply to each school; many fewer are admitted. Both Harvard and UNC employ a highly selective admissions process to make their decisions. Admission to each school can depend on a student’s grades, recommendation letters, or extracurricular involvement. It can also depend on their race. The question presented is whether the admissions systems used by Harvard College and UNC are lawful under the Equal Protection Clause of the Fourteenth Amendment.

At Harvard, each application for admission is initially screened by a “first reader,” who assigns a numerical score in each of six categories: academic, extracurricular, athletic, school support, personal, and overall. For the “overall” category—a composite of the five other ratings—a first reader can and does consider the applicant’s race. Harvard’s admissions subcommittees then review all applications from a partic-

AFFIRMATIVE ACTION DECISIONS

STUDENTS FOR FAIR ADMISSIONS, INC. v. PRESIDENT AND FELLOWS OF HARVARD COLLEGE

Held:

Harvard's and UNC's admissions programs violate the Equal Protection Clause of the Fourteenth Amendment.

Eliminating racial discrimination means eliminating all of it. Accordingly, the Court has held that the Equal Protection Clause applies “without regard to any differences of race, of color, or of nationality” — it is “universal in [its] application.” *Yick Wo v. Hopkins*, 118 U. S. 356, 369. For “[t]he guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color.”

No. 20–1199, 980 F. 3d 157; No. 21–707, 567 F. Supp. 3d 580, reversed.



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CAREER COLLEGES
& SCHOOLS OF TEXAS,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
EDUCATION; MIGUEL CARDONA,
in his official capacity as the Secretary
of Education,

Defendants.

CASE NO.: 4:23-CV-206

COMPLAINT

Plaintiff CAREER COLLEGES & SCHOOLS OF TEXAS (“CCST”) for its complaint against Defendants the U.S. DEPARTMENT OF EDUCATION (the “Department”) and the Honorable MIGUEL CARDONA, in his official capacity as the Secretary of the Department of Education (the “Secretary”), alleges, by and through its undersigned attorneys, as follows:

INTRODUCTION & NATURE OF THE ACTION

STUDENT BORROWER RELIEF JUDICIAL TIMETABLE

LITIGATION TIMETABLE

February 2023

Career Colleges & Schools of Texas Files [Suit](#) in Northwestern District of Texas – Fort Worth Division

April 2023 (April 17th)

Motion to Transfer Case from the Northern District of Texas – Fort Worth Division to the Western District of Texas - Austin Granted

May 2023 (May 31st)

Preliminary Injunction Hearing

June 2023 (June 30th)

Western District of Texas – Austin Division & Fifth Circuit Court of Appeals Decisions

July 2023 (July 20th)

Fifth Circuit Court of Appeals Extension

United States Court of Appeals
for the Fifth Circuit

No. 23-50489

IN RE CAREER COLLEGES AND SCHOOLS OF TEXAS

Petitioner.

Original Proceeding
to the United States District Court
for the Western District of Texas
USDC No. 1:23-CV-433

UNPUBLISHED ORDER

Before HIGGINBOTHAM, HIGGINSON, and WILLETT, *Circuit Judges*.
PER CURIAM:

IT IS ORDERED that Appellant's Opposed Emergency Motion for Administrative Injunction is GRANTED, through and until July 21, 2023. The administrative injunction is limited to the Plaintiff in this case and its

United States Court of Appeals
Fifth Circuit
FILED
June 30, 2023
Lyle W. Cayce
Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CAREER COLLEGES & SCHOOLS
OF TEXAS,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, and MIGUEL
CARDONA, in his official capacity as the
Secretary of Education,

Defendants.

ORDER

Before the Court is Plaintiff Career Colleges & Schools of Texas's ("CCST" or "Plaintiff") motion for preliminary injunction, (the "Motion"). (Dkt. 23). Defendants United States Department of Education ("DOE") and Secretary Miguel Cardona (collectively "Defendants") filed a response, (Dkt. 56), Plaintiff filed a reply, (Dkt. 64), and the Court held an evidentiary hearing on the motion on May 31, 2023. Having considered the briefing, the arguments made at the hearing, the evidence, and the relevant law, the Court will deny the motion.

1:23-cv-433-RP

STUDENT BORROWER RELIEF DECISIONS



STUDENT BORROWER RELIEF JUDICIAL TIMETABLE

LITIGATION DECISION – June 30th

IT IS ORDERED that Appellant's Opposed Emergency Motion for Administrative Injunction is GRANTED, through and until July 21, 2023.

The administrative injunction is limited to the Plaintiff in this case and its members.

IT IS FURTHER ORDERED that Appellant's Opposed Emergency Motion for Injunction Pending Appeal is DENIED.

Any renewed motion for injunction pending appeal should be filed in case number 23-50491 by July 7, 2023. Appellees' response, if any, should be filed by July 12, 2023. Appellant's reply, in any, should be filed by July 14, 2023.



REGULATORY UPDATE



! IMPORTANT

NEGOTIATED RULEMAKING UPDATES



PR Proposed Rule

Negotiated Rulemaking Committee; Public Hearing

A Proposed Rule by the [Education Department](#) on [07/06/2023](#)



This document has a comment period that ends in 14 days. (07/20/2023)

SUBMIT A FORMAL COMMENT

PUBLISHED DOCUMENT



Start Printed Page 43069

AGENCY:

Office of Postsecondary Education, Department of Education.

ACTION:

Intent to establish a negotiated rulemaking committee.

DOCUMENT DETAILS

Printed version:

[PDF](#)

Publication Date:

[07/06/2023](#)

Agency:

[Department of Education](#)

Dates:

The date, time, and location of the public hearing are listed

FEDERAL NEGOTIATED RULEMAKING

SUMMARY

We announce our intention to establish a negotiated rulemaking committee to prepare proposed regulations for the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA). The committee will include representatives of organizations or groups with interests that are significantly affected by the subject matter of the proposed regulations. We also announce one public hearing at which interested parties may comment on the topic suggested by the Department and may suggest additional topics that we should consider for action by the negotiating committee. In addition, we announce that the Department will accept written comments on the topics suggested by the Department and suggestions for additional topics that we should consider for action by the negotiating committee.

FEDERAL NEGOTIATED RULEMAKING

REGULATORY ISSUE

We intend to convene a committee to develop proposed regulations pertaining to topics in the title IV, HEA programs. **Those topics are the authorities granted to the Secretary in HEA Section 432(a), which relate to the modification, waiver, or compromise of Federal student loans.** After reviewing the public comments presented at the public hearing and in the written submissions, we will publish a document (or documents) in the Federal Register announcing the specific topics for which we intend to establish a negotiated rulemaking committee and a request for nominations for individual negotiators for the committee who represent the communities of interest that would be significantly affected by the proposed regulations.

This document will also be posted on the Department's website at:

<https://www2.ed.gov/policy/highered/reg/hearulemaking/2023/index.html>.

FEDERAL NEGOTIATED RULEMAKING

PUBLIC HEARING & SUBMISSION OF PUBLIC COMMENTS

We will hold a virtual public hearing for interested parties to discuss the rulemaking agenda from 10 a.m. to noon and 1 p.m. to 4 p.m., Eastern time, on July 18, 2023. Further information on the public hearing is available at: <https://www2.ed.gov/policy/highered/reg/hearulemaking/2023/index.html>.

We will post links for attendees who wish to observe on our website at <https://www2.ed.gov/policy/highered/reg/hearulemaking/2023/index.html>. The Department will also post transcripts of the hearing on that site.

The Department will accept written comments via the Federal eRulemaking portal through July 20, 2023.

A red neon-style graphic on a dark blue background. It features a glowing red outline of a speech bubble or callout box. Inside the box, on the left, is a glowing red exclamation mark inside a circle. To the right of the exclamation mark, the word "IMPORTANT" is written in a bold, uppercase, sans-serif font, also in a glowing red neon style.

! IMPORTANT



Rule

Improving Income Driven Repayment for the William D. Ford Federal Direct Loan Program and the Federal Family Education Loan (FFEL) Program

A Rule by the [Education Department](#) on 07/10/2023



PUBLISHED DOCUMENT

Start Printed Page 43820



AGENCY:

Office of Postsecondary Education, Department of Education.

ACTION:

Final regulations.

DOCUMENT DETAILS

Printed version:

[PDF](#)

Publication Date:

07/10/2023

Agency:

[Department of Education](#)

Dates:

These regulations are effective

July 4, 2024. For the

INCOME DRIVEN REPAYMENT – FINAL RULE

SUMMARY

The U.S. Department of Education issues final regulations governing income-contingent repayment plans by amending the Revised Pay as You Earn (REPAYE) repayment plan and restructuring and renaming the repayment plan regulations under the William D. Ford Federal Direct Loan (Direct Loan) Program, including combining the Income Contingent Repayment (ICR) and the Income-Based Repayment (IBR) plans under the umbrella term of “Income-Driven Repayment” (IDR) plans, and providing conforming edits to the FFEL Program.

These regulations are effective July 1, 2024.*

INCOME DRIVEN REPAYMENT – FINAL RULE

EXECUTIVE SUMMARY

The Secretary amends the regulations governing the income contingent repayment (ICR) and income-based repayment (IBR) plans and renames the categories of repayment plans available in the Department's Direct Loan Program. These regulations streamline and standardize the Direct Loan Program repayment regulations by categorizing existing repayment plans into three types: (1) fixed payment repayment plans, which establish monthly payment amounts based on the scheduled repayment period, loan debt, and interest rate; (2) income-driven repayment (IDR) plans, which establish monthly payment amounts based in whole or in part on the borrower's income and family size; and (3) the alternative repayment plan, which we use on a case-by-case basis when a borrower has exceptional circumstances or has failed to recertify the information needed to calculate an IDR payment as outlined in § 685.221. We also make conforming edits to the FFEL program in § 682.215.

INCOME DRIVEN REPAYMENT – FINAL RULE

SUMMARY of the MAJOR PROVISIONS

The final regulations—

- Expand access to affordable monthly Direct Loan payments through changes to the Revised Pay-As-You-Earn (REPAYE) repayment plan, which may also be referred to as the Saving on a Valuable Education (SAVE) plan;
- Align the definition of “family size” in the FFEL Program with the definition of “family size” in the Direct Loan Program; Increase the amount of income exempted from the calculation of the borrower's payment amount from 150 percent of the Federal poverty guideline or level (FPL) to 225 percent of FPL for borrowers on the REPAYE plan;

INCOME DRIVEN REPAYMENT – FINAL RULE

SUMMARY of the MAJOR PROVISIONS

The final regulations—

- Lower the share of discretionary income used to calculate the borrower's monthly payment for outstanding loans under REPAYE to 5 percent of discretionary income for loans for the borrower's undergraduate study and 10 percent of discretionary income for other outstanding loans; and an amount between 5 and 10 percent of discretionary income based upon the weighted average of the original principal balances for those with outstanding loans in both categories;
- Provide a shorter maximum repayment period for borrowers with low original loan principal balances;

INCOME DRIVEN REPAYMENT – FINAL RULE

SUMMARY of the MAJOR PROVISIONS

The final regulations—

- Eliminate burdensome and confusing regulations for borrowers using IDR plans;
- Provide that the borrower will not be charged any remaining accrued interest each month after the borrower's payment is applied under the REPAYE plan;
- Credit certain periods of deferment or forbearance toward time needed to receive loan forgiveness;

INCOME DRIVEN REPAYMENT – FINAL RULE

SUMMARY of the MAJOR PROVISIONS

The final regulations—

- Permit borrowers to receive credit toward forgiveness for payments made prior to consolidating their loans; and
- Reduce complexity by prohibiting or restricting new enrollment in certain existing IDR plans starting on July 1, 2024, to the extent that the law allows.

INCOME DRIVEN REPAYMENT – FINAL RULE

REGULATION SUBJECT TO EARLY IMPLEMENTATION

The Secretary is exercising his authority under HEA section 482(c) to designate certain regulatory changes to part 685 in this document for early implementation beginning on July 30, 2023. The Secretary has designated the following provisions under REPAYE for early implementation:

- Adjusting the treatment of spousal income in the REPAYE plan for married borrowers who file separately as described in § 685.209(e)(1)(i)(A) and (B);
- Increasing the income exemption to 225 percent of the applicable poverty guideline in the REPAYE plan as described in § 685.209(f);
- Not charging accrued interest to the borrower after the borrower's payment on REPAYE is applied as described in § 685.209(h); and
- Designating in § 685.209(a)(1) that REPAYE may also be referred to as the Saving on a Valuable Education (SAVE) plan.

INCOME DRIVEN REPAYMENT – FINAL RULE

REGULATION SUBJECT TO EARLY IMPLEMENTATION

The Secretary also designates the changes to the definition of family size for Direct Loan borrowers in IBR, ICR, PAYE, and REPAYE in § 685.209(a) to exclude the spouse when a borrower is married and files a separate tax return for early implementation on July 30, 2023.

The Secretary also designates the provision awarding credit toward forgiveness for certain periods of loan deferment prior to the effective date of July 1, 2024, as described in § 685.209(k)(4) for early implementation. The Department will implement this regulation as soon as possible after the publication date and will publish a separate notice announcing the timing of the implementation.

With the exception noted below and except for those regulations designated as available for early implementation, the final regulations in this notice are effective July 1, 2024.

Section 685.209(c)(5)(iii), which relates to eligibility for IDR plans by borrowers with Consolidation loans, will be effective for Direct Consolidation loans disbursed on or after July 1, 2025.



Student Loans

Grants

Laws

Negotiated Rulemaking for Higher Education 2021-22


Click on the menu buttons for more information

General Information

Affordability and Student Loans Committee

Pell for Prison Education Subcommittee

Institutional and Programmatic Eligibility Committee

Click on the link with  to expand or collapse the information

General Information

This page provides information regarding the Department's negotiated rulemaking in 2021-2022 to make regulatory changes for the programs authorized by Title IV of the Higher Education Act of 1965, as amended. For more information about negotiated rulemaking in general, please see our [question and answer page](#).

[Federal Register Notices and Fact Sheets](#) 

[Public Hearing Information](#) 

Affordability and Student Loans Committee Meetings (virtual)

For more information click [here](#)

Committee Members List: [PDF \(193K\)](#) | **Revised** [PDF \(234K\)](#) | **Revised** [PDF \(234K\)](#)

Committee Protocols [PDF \(191K\)](#)

2021-2022 FEDERAL NEGOTIATED RULEMAKING: NOTICE OF PROPOSED RULEMAKING

2021-2022 FEDERAL NEGOTIATED RULEMAKING: NOTICE OF PROPOSED RULEMAKING

Federal Register Notices and Fact Sheets▼

Federal Register Notices (official notices at www.federalregister.gov).

- Intent to establish negotiated rulemaking committees – [Official Copy](#) ** [published 5/26/2021]
- Negotiator Nominations and Schedule of Committee Meeting- Affordability and Student Loans Committees - [Official Copy](#) ** [published 8/10/2021]
- 90/10 Public hearing notice - [Official Copy](#) [published 10/4/2021]
- Negotiator Nominations and Schedule of Committee Meetings – Institutional and Programmatic Eligibility Committee - [Official Copy](#)** [published 12/8/2021]
- Notice of Proposed Rulemaking– Affordability and Student Loans - [Official Copy](#)** [published 7/13/2022]
- Fact Sheet- Proposed Regulations to Improve Student Loan Relief Programs* [PDF](#) (158K) [7/6/2022]
- Notice of Proposed Rulemaking– Institutional Eligibility, Student Assistance General Provisions, and Federal Pell Grant Program - [Official Copy](#) **[published 7/28/2022]
- Fact Sheet- Proposed Regulations to Support and Protect Students and Borrowers*[PDF](#) (142K) [7/26/2022]
- Fact Sheet- Future of PSLF Fact Sheet * ([PDF](#)) (200K) [10/25/2022]
- Final Rule– Institutional Eligibility, Student Assistance General Provisions, and Federal Pell Grant Program - [Official Copy](#)**[published 10/28/2022]
- Fact Sheet- Final Regulations to Support and Protect Students and Borrowers* ([PDF](#)) (233K) [10/27/2022]
- Final Rule– Affordability and Student Loans - [Official Copy](#)** [published 11/01/2022]
- Fact Sheet- Final Regulations to Improve Student Loan Relief Programs* ([PDF](#)) (240K) [10/31/2022]
- Final Rule- RIA Table Supplement - Affordability and Student Loans - [Official Copy](#)** [published 10/31/2022]
- Notice of Proposed Rulemaking–Income-Driven Repayment - [Official Copy](#) ** [published 1/11/2023]
- Fact Sheet- Income-Driven Repayment* ([PDF](#)) (344K) [1/10/2023]
- Fact Sheet- Income-Driven Repayment Accountability* ([PDF](#)) (139K) [1/10/2023]
- New** • Notice of Proposed Rulemaking – Accountability for College Costs and Unaffordable Student Debt [includes Gainful Employment (GE)] – [Official Copy](#) ** [published 5/17/2023]
- New** • Fact Sheet – Holding Colleges Accountable for Delivering Financial Value for Students* ([PDF](#)) (201K) [5/17/2023]
- New** • Fact Sheet – New Proposed Rules to Protect Students by Strengthening Department Oversight and Monitoring* ([PDF](#)) (163K) [5/17/2023]
- New** • GE Data 1* – Description ([PDF](#)) (182K) [5/17/2023]
- New** • GE Data 2* – Data Codebook ([Excel](#)) (28K) [5/17/2023]
- New** • GE Data 3* – Dataset ([Excel](#)) (54M) [5/17/2023]

**2021-2022
FEDERAL NEGOTIATED
RULEMAKING:
NOTICE OF PROPOSED
RULEMAKING**



FEDERAL REGISTER

The Daily Journal of the United States Government



PR Proposed Rule

**Financial Value Transparency and Gainful Employment (GE),
Financial Responsibility, Administrative Capability,
Certification Procedures, Ability to Benefit (ATB)**

A Proposed Rule by the [Education Department](#) on 05/19/2023

This document has a comment period that ends in 29 days. (06/20/2023)

SUBMIT A FORMAL COMMENT

3 comments received. [View posted comments](#)

PUBLISHED DOCUMENT

Start Printed Page 32300

AGENCY:

Office of Postsecondary Education, Department of Education.

DOCUMENT DETAILS

Printed version:
[PDF](#)

Publication Date:
05/19/2023

NATIONAL COUNCIL FOR STATE AUTHORIZATION RECIPROCITY AGREEMENTS (NC-SARA)



Participate in SARA Policy Modifications

Starting in January 2023, the SARA Policy Modification Process is open for proposed modifications. This page contains the information you'll need to participate in the proposal and/ or review process.

Learn About the new SARA Policy Modification Process

- [Review information about the new SARA Policy Modification Process](#)
- Please download the [Overview of the SARA Policy Modification Process and 2023 Calendar](#) - *this was last updated on December 2022.*

View the SARA Policy Modification Proposals

NC-SARA – POLICY MODIFICATION PROCESS



2023 SARA Policy Modification Process & Calendar Updated as of December 20, 2022

September 1, 2023	Deadline for Regional Compacts to review and vote to approve or not approve each proposed policy modification. <ul style="list-style-type: none">Proposed policy modifications approved by each of the four Regional Compacts shall be placed on the agenda of the Fall 2023 NC-SARA Board meeting.
October 23-25, 2023	NC-SARA's Board, in its Fall 2023 Board Meeting, shall review and vote to approve or not approve proposed policy modifications that were approved by each regional compact. <ul style="list-style-type: none">SARA Policy modifications approved by the Board go into effect unless otherwise stated in the policy or by the Board.
December 1, 2023	The status of all proposed policy modifications reviewed by the NC-SARA Board will be published on the NC-SARA website
December 31, 2023	Revised SARA Policy Manual published on NC-SARA website
January 2024	SARA Policy Modification Process cycle for 2024 begins

UPDATES ON SUNSET OF COVID-19 WAIVERS & FLEXIBILITIES

Federal Student Aid

An OFFICE of the U.S. DEPARTMENT of EDUCATION

Published on <https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2023-06-14/sunset-covid-19-waivers-and-flexibilities>

POSTED DATE: June 14, 2023

AUTHOR: Federal Student Aid

ELECTRONIC ANNOUNCEMENT ID: GENERAL-23-46

SUBJECT: Sunset of COVID-19 Waivers and Flexibilities

This Electronic Announcement explains the timeframes for the sunset of the COVID-19 waivers and flexibilities applicable to institutions and provides general guidance regarding the return to normal compliance with Title IV, Higher Education Act (HEA) requirements.

On March 13, 2020, the President of the United States declared a national emergency concerning the COVID-19 pandemic. This declaration followed a January 2020 determination by the Secretary of Health and Human Services that there was a public health emergency in the United States due to the COVID-19 pandemic. Since the declaration, the government has provided numerous waivers and flexibilities to ensure that institutions would be able to continue serving students and administering the Federal student financial aid programs despite the challenges and obstacles presented by the pandemic. Waivers and flexibilities were provided under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, and by the Department under the Higher Education Relief Opportunities for Students Act of 2003 (HEROES Act). Certain flexibilities were also provided under other existing laws and regulations.

(GENERAL-23-09) Updates to the Gramm-Leach-Bliley Act Cybersecurity Requirements

 Print

UPDATES TO GRAMM-LEACH-BLILEY ACT CYBERSECURITY REQUIREMENTS

POSTED DATE: February 09, 2023

AUTHOR: Federal Student Aid

ELECTRONIC ANNOUNCEMENT ID: GENERAL-23-09

SUBJECT: Updates to the Gramm-Leach-Bliley Act Cybersecurity Requirements

On December 9, 2021, the Federal Trade Commission (FTC) issued [final regulations](#) (Final Rule) to amend the Standards for Safeguarding Customer Information (Safeguards Rule), an important component of the Gramm-Leach-Bliley Act's (GLBA) requirements for protecting the privacy and personal information of consumers. The effective date for most of the changes to the Safeguards Rule is June 9, 2023. This Electronic Announcement provides a summary of the changes to the GLBA requirements resulting from the Final Rule, explains the impacts of the changes on postsecondary institutions, and describes changes to the Department of Education's (Department) enforcement of the GLBA requirements. Institutions should coordinate with their leadership and appropriate staff to implement the requirements in the Final Rule by June 9.

Background

Postsecondary institutions and third-party servicers must protect student financial aid information provided to them by the Department or otherwise obtained in support of the administration of the



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LEGISLATIVE UPDATE



**BREAKING
NEWS**

A 3D rendered graphic featuring the words "BREAKING NEWS" in a large, white, bold, sans-serif font. The letters are thick and have a slight shadow, giving them a three-dimensional appearance. The text is set against a vibrant red background. A series of thin, white, curved lines radiate from the top right corner, creating a sense of motion or urgency. The overall composition is clean and modern, typical of a news broadcast graphic.

EXECUTIVE SESSION

S. 2122, S. 2363, S. 161, S __, and S. 2402

Date: Thursday, July 27th, 2023

Time: 10:00am

Location: 430 Dirksen Senate Office Building

- S. 2122, National Apprenticeship Act of 2023
- S. 2363, Youth Apprenticeship Advancement Act
- S. 161, JOBS Act of 2023
- S __, Investing in Sectoral Training Partnerships Act
- S. 2402, Gateway to Careers Act of 2023

Check back for live video of this hearing.

EXECUTIVE SESSION MARK UP TOMORROW

LEGISLATION TO BE CONSIDERED

- S. 2122, National Apprenticeship Act of 2023;
- S. 2363, Youth Apprenticeship Advancement Act;
- S. 161, JOBS Act of 2023;
- S___, Investing in Sectoral Training Partnerships Act;
- S. 2402, Gateway to Careers Act of 2023; and
- Any additional business for consideration.

S. 161 – THE JUMPSTART OUR BUSINESSES BY SUPPORTING STUDENTS ACT

LEGISLATIVE SUMMARY

The bill seeks to expand student eligibility for Pell Grants by establishing the Job Training Federal Pell Grant program.

Specifically, the bill requires the Department of Education to award a job training Pell Grant to a student who does not have a degree; attends an institution of higher education (IHE); is enrolled in a career and technical education program at an IHE that provides 150 to 600 clock hours of instructional time over a period of 8 to 15 weeks and provides training aligned with high-skill, high-wage, or in-demand industry sectors (i.e., job training programs); and meets all other eligibility requirements for a Pell Grant.

Additionally, the bill specifies that any period during which a student receives a job training Pell Grant counts toward that student's Pell Grant eligibility period.

S. 161 – THE JUMPSTART OUR BUSINESSES BY SUPPORTING STUDENTS ACT

KEY LEGISLATIVE TEXT

(C) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ means—

“(i) an institution of higher education, as defined in section 101; or

“(ii) a postsecondary vocational institution, as defined in section 102(c).



**TIME
FOR
ACTION**

SENATE DEMOCRATS STUDENT LOAN RELIEF PROPOSAL

THE BERNIE SANDERS COLLEGE FOR ALL FACT SHEET

ELIMINATES TUITION AND FEES AT PUBLIC FOUR-YEAR COLLEGES AND UNIVERSITIES AND MAKES COMMUNITY COLLEGE TUITION- AND FEE-FREE FOR ALL

The College for All Act would provide at least \$48 billion per year to states and tribes to eliminate undergraduate tuition and fees at public colleges, universities, and institutions of higher education controlled by tribes. Under this bill, students from any family would be able to attend a public four-year college or university, or four-year tribal college or university, tuition- and fee-free. All students, regardless of income, would also be able to attend community colleges, trade schools, or apprenticeship programs tuition- and fee-free.

Under the College for All Act, the federal government would cover 67 percent of the cost of eliminating tuition and fees at public colleges and universities and tribal institutions of higher education. States and tribes would be responsible for eliminating the remaining 33 percent of the costs.

To qualify for federal funding, states and tribes must meet a number of requirements designed to protect students, ensure quality, and reduce ballooning costs. States and tribes will need to maintain spending on their higher education systems, on academic instruction, and on need-based financial aid. In addition, colleges and universities must reduce their reliance on low-paid adjunct faculty.

No funding under this bill may be used to fund administrator salaries, merit-based financial aid, or the construction of non-academic buildings like stadiums and athletic facilities.



CANCELS \$1.6 TRILLION IN STUDENT DEBT FOR 45 MILLION AMERICANS

S. 1963 – COLLEGE FOR ALL ACT

As proposed, the legislation which was first introduced in 2015, The College for All Act would guarantee tuition-free community college for all students and allow students from single households earning up to \$125,000 a year, and married households earning up to \$250,000 a year, to attend college without fear of being saddled with student loan debt. Double the maximum Pell Grant award: \$7,395 to \$14,790 for the 2024-2025 school year for students enrolled at public and private non-profit colleges;

“As millions of Americans face uncertainty around their federal student loan debt, the College for All Act of 2023 allows students to attend public colleges and universities tuition- and debt-free. It also ensures that the vast majority of students who enroll at Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), Hispanic-Serving Institutions (HSIs), Asian American and Native American Pacific Islander Serving Institutions (AANAPISIs), and other Minority-Serving Institutions (MSIs) can attend tuition- and debt-free.”

Senator Bernie Sanders, Chairman, Senate HELP Committee

S. 1963 – COLLEGE FOR ALL ACT

- **Double the maximum Pell Grant award: \$7,395 to \$14,790** for the 2024-2025 school year for students enrolled at public and private non-profit colleges;
- **Establish a \$10 billion grant program for states** participating in the federal-state partnership to scale evidence-based practices and strategies;
- **Triple Federal TRIO funding** from \$1.191 billion in FY23 to \$3 billion in FY24;
- **Double GEAR UP funding** from \$388 million in FY23 to \$736 million in FY24; and
- **Double mandatory funding for Historically Black Colleges and Universities, Tribal Colleges and Universities, and other Minority-Serving institutions.**
- **Discuss their legislative solution to address the skyrocketing cost of higher education and the increasing amounts of debt students take on to attend college.**

S. 1963 – COLLEGE FOR ALL ACT

To pay for the bill Chairman Sanders would seek to enact another bill introduced by himself and Senator Barbara Lee (D-CA) – The Tax on Wall Street Act of 2023 – which puts a tax of 0.5 percent on stock trades, a 0.1 percent fee on bonds, and a 0.005 percent fee on derivatives and other financial instruments.



SENATE REPUBLICANS STUDENT LOAN RELIEF PROPOSAL



Lowering Education Costs and Debt Act

The **Lowering Education Costs and Debt Act** is a package of five bills aimed at directly addressing the issues driving the skyrocketing cost of higher education and the increasing amounts of debt students take on to attend school.

Specifically, the legislation:

- Creates downward pressure on the cost of colleges and universities that have used the availability of federal loans to artificially increase their prices, leading students to take out rising amounts of debt.
- Provides students and families with better information to choose the right school and program of study to achieve the best return on investment for them.
- Simplifies the student loan borrowing process to prevent students from unintentionally taking out more loans than they can afford or need.
- Ensures borrowers can navigate student loan repayment options without unnecessary confusion.
- Guides students against taking on debt to attend programs that do not translate to higher paying job opportunities.

THE BILLS IN THIS PACKAGE INCLUDE:

- The [College Transparency Act \(CTA\)](#) – Reforms the college data reporting system to ensure students and families have better information on student success and outcomes as they consider higher education
- The [Understanding the True Cost of College Act](#) – Requires institutions of higher education to use a uniform financial aid letter with clear indications of the types and breakdown of aid

S. 1972 - THE LOWERING EDUCATION COST & DEBT ACT

“The Lowering Education Costs and Debt Act is a package of five bills aimed at directly addressing the issues driving the skyrocketing cost of higher education and the increasing amounts of debt students take on to attend school.”

Senator Bill Cassidy, Ranking Member, Senate HELP Committee

The proposed legislation is consolidation of five bills is comprised of:

- The College Transparency Act – Better Information, Better Decisions, Better Outcomes (Bipartisan)
- The Understanding the True Cost of College Act – Uniform Financial Aid Offer Form (Bipartisan)
- The Informed Student Borrowing Act (NEW) – Overhaul of the Student Loan System
- The Streamlining Accountability and Value in Education for Students Act – Two Repayment Options with Borrower and Taxpayer Protection
- The Graduate Opportunity and Affordable Loans (GOAL) Act – Caps Graduate loan borrowing, Eliminates Grad PLUS, and makes other revisions to graduate loans.

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HOUSE REPUBLICAN STUDENT LOAN RELIEF PROPOSAL

Federal Assistance to Initiate Repayment (FAIR) Act Reps. Owens, McClain, Foxx

THE PROBLEM:

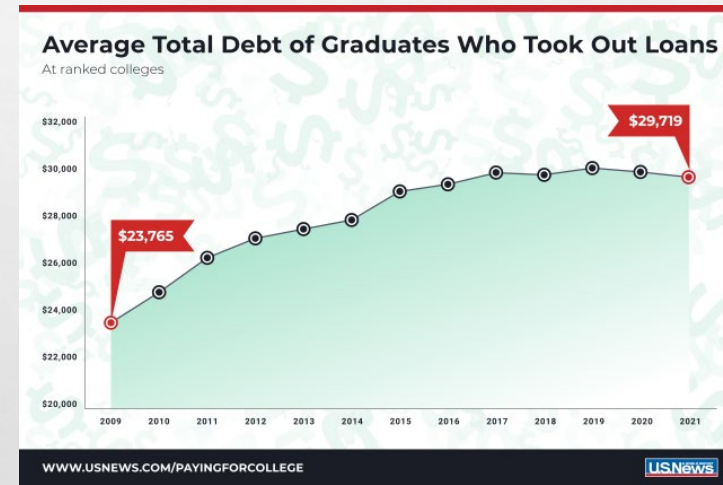
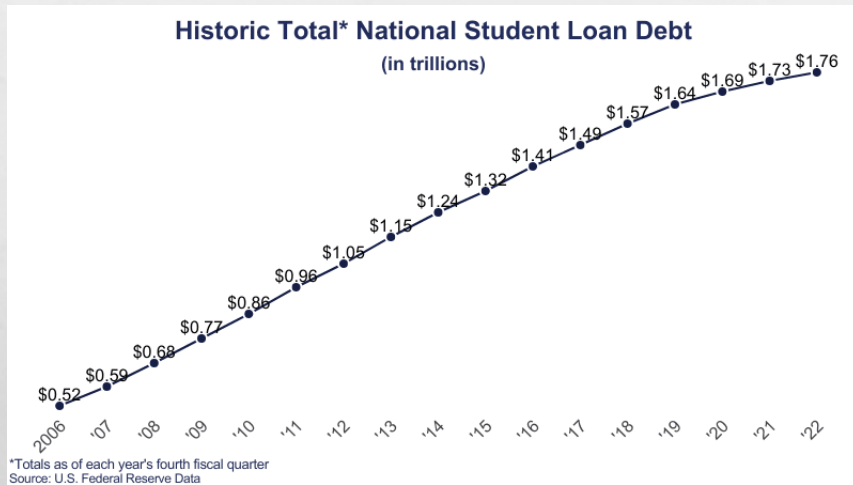
- The student loan system is broken, but rather than working with Congress to fix it, President Biden is attempting to ram through his radical free college agenda at the expense of borrowers and taxpayers. From false promises of “forgiveness” to continual extensions of the now three-year long repayment pause, **the administration has treated borrowers as political pawns and the 87 percent of Americans without student loans as an unlimited piggy bank** while they struggle to put food on the table and gas in their cars.
- What’s worse, Biden’s Department of Education (ED) is set to finalize its new income-driven repayment (IDR) plan that will push an already failing student loan program to the breaking point, leaving borrowers paying for decades. **With a price tag of nearly \$300 billion, this will be the most expensive regulation in history.**

THE SOLUTION:

- The *Federal Assistance to Initiate Repayment (FAIR) Act* is a fiscally responsible, targeted alternative to Biden’s student loan scam and takes a critical step towards fixing our student loan system and providing a path back to repayment for 40 million borrowers. Specifically, the

THE FEDERAL ASSISTANCE TO INITIATE REPAYMENT ACT

This new legislation, which is more extensive than The REAL Reforms Act introduced in the 117th Congress, is presented as *“a fiscally responsible, targeted alternative to Biden’s student loan scam and takes a critical step towards fixing our student loan system and providing a path back to repayment for 40 million borrowers.”*



THE FEDERAL ASSISTANCE TO INITIATE REPAYMENT ACT

As detailed in the Fact Sheet shared along with the bill text and a Section-by-Section summary, the bill:

Protects Borrowers & Taxpayers

- Ends the Biden administration's student loan scam and prevents ED from issuing costly and expansive regulations, including the President's radical IDR proposal costing \$276 billion over the next decade.

Policy experts and economists from across the political spectrum agree that the Biden plan would result in more borrowing, higher tuition, and less accountability for taxpayer dollars.

- Simplifies the repayment process and streamlines the confusing web of IDR plans currently available into one predictable and affordable IDR plan.

THE FEDERAL ASSISTANCE TO INITIATE REPAYMENT ACT

As detailed in the Fact Sheet shared along with the bill text and a Section-by-Section summary, the bill:

- **Puts an end to ballooning loan balances** by preventing excessive interest accrual and crediting at-risk borrowers' monthly payments directly to their loans' principal so they see progress in paying down their balances.
- Prevents taxpayer subsidies from going to those who don't need them by requiring borrowers enrolled in the new IDR plan to recertify their income before payments resume and ensuring that repayment assistance phases out as borrower's incomes increase and they are able to repay their loans unlike the Biden plan where borrowers are expected to repay only half of what they borrow and just two in 10 undergraduate students will fully repay their loans.
- Ends time-based forgiveness which disproportionately benefits graduate students and allows them to make payments as little as \$0 to receive loan cancellation.

THE FEDERAL ASSISTANCE TO INITIATE REPAYMENT ACT

As detailed in the Fact Sheet shared along with the bill text and a Section-by-Section summary, the bill:

Ensures a Smooth Transition Back into Repayment

- Provides repayment assistance to borrowers in financial distress by enrolling borrowers in existing income-based repayment plans in the new IDR plan, which will reduce delinquencies and defaults.
- Requires ED and the Office of Federal Student Aid (FSA) to provide ample guidance to servicers to ensure they have the information and resources necessary to serve borrowers who have been left in the dark for over three years.
- Prevents bonuses from flowing to ineffective bureaucrats if FSA does not meet the requirements for returning borrowers to repayment.

THE FEDERAL ASSISTANCE TO INITIATE REPAYMENT ACT

As detailed in the Fact Sheet shared along with the bill text and a Section-by-Section summary, the bill:

Targets Relief to Those Most in Need.

- Provides targeted student loan relief to those who made years of payments but saw their debt explode due to Democrats' poorly designed repayment policies. The bill waives their remaining balances if they already paid back more than they originally owed taxpayers in principal and interest.
- Allows defaulted borrowers to get back on track to repayment by giving them a second chance to rehabilitate their loans and enroll in an affordable repayment plan, removing the black mark of default from their credit report as long as they make their required monthly payments.

SENATE REPUBLICANS STUDENT LOAN RELIEF PROPOSAL



Lowering Education Costs and Debt Act

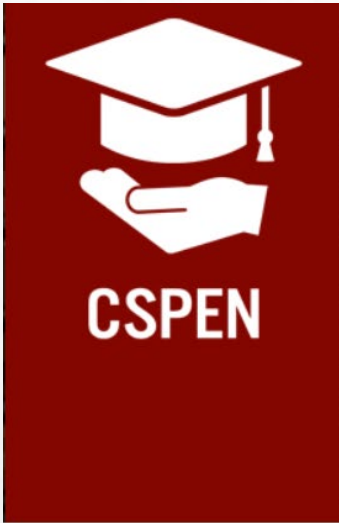
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CSPEN 9th Annual Conference

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This year CSPEN joins with Louisiana Association of Private Colleges and Schools, LAPCS, Louisiana's only state association representing private, post-secondary, and nonprofit colleges and schools. Immediately after CSPEN's conference ends, the LAPCS annual conference begins. Register today for the double benefit of CSPEN and LAPCS.

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