



Tuesday, February 14, 2023

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## Join the NCHER Board of Directors and Play a Leadership Role on Higher Education Finance, Run for Chair-Elect or Director at-Large!

As NCHER continues to promote its advocacy, communications, and regulatory engagement agenda at the federal level, it is the time of the year to start preparing for upcoming elections for the NCHER Board of Directors. Have you thought about playing a leadership role at NCHER? Do you have ideas on improving membership services? Do you want to become more active on higher education policy at the federal level? Is your organization a voting member of NCHER? If so, consider submitting your name for Chair-Elect or a seat on the Board of Directors.

Next month, NCHER will hold elections for the following positions:

- **Chair-Elect.** As an officer of NCHER, the Chair-Elect serves as vice chair of the Board of Directors, performing the duties and exercising the powers of the Chair in his/her absence or disability. The term begins on July 1, 2023, and includes the assumption of the duties as Chair on July 1, 2024, and as Immediate Past-Chair on July 1, 2025. This position and both subsequent positions serve on NCHER's Executive Committee.
- **Five Directors at-Large.** Board members are responsible for directing any and all activities and affairs of NCHER, including the organization's federal advocacy, communications, and research strategy. These two-year terms begin on July 1, 2023, and expire June 30, 2025.

In order to assist in the administration of the election, NCHER has formed a Nominating Committee which is composed of the Chair, Chair-Elect, and three of the most recent former Chairs who still remain active members, as prescribed by the NCHER By-Laws. The committee is responsible for soliciting recommendations from the voting membership and proposing a slate for election that will be mailed to each voting member by March 15, 2023. This notice is part of that solicitation as the committee works to ensure that the candidates for Chair-Elect and Directors at-Large are representative of the diversity of our organization.

If you would like to be considered for election or know someone who would be a great addition to the Board of Directors, email or call Christiana Thornton with the New Hampshire Higher Education Assistance Foundation Network ([cthornton@gsmr.org](mailto:cthornton@gsmr.org)), Angela Baier with College Invest / College Assist ([abaier@collegeinvest.org](mailto:abaier@collegeinvest.org)), Scott D. Giles with MOHELA ([ScottG@mohela.com](mailto:ScottG@mohela.com)), Scott A. Giles with the Vermont Student Assistance Corporation ([giles@vsac.org](mailto:giles@vsac.org)), and/or Ron Gambill with ELFI ([rgambill@elfi.com](mailto:rgambill@elfi.com)) **before Friday, March 3, 2023.**

## State AGs Send Letter to Department of Education Supporting IDR Plan

Last week, a group of State Attorney Generals (AGs) sent a [letter](#) to U.S. Secretary of Education Miguel Cardona supporting the proposed rule creating a new Income-Driven Repayment (IDR) plan. In the letter, the AGs commended the U.S. Department of Education's plan to lower borrower's monthly payments, waive unpaid interest for

qualified borrowers, and make entry to IDR plans more accessible. “State Attorneys General have been calling on [the Department of Education] to reform IDR for years, and we commend [the Department] for undertaking its present regulatory efforts,” the letter said. The Department’s “proposals will improve IDR affordability, reduce disincentives to IDR enrollment, and help prevent needless defaults.” The letter says that the AGs are particularly supportive of proposals to raise the discretionary income threshold, prevent negative amortization, facilitate automatic IDR enrollment for delinquent borrowers, and count certain periods of forbearance towards IDR forgiveness. While supporting many aspects of the new IDR plan, the letter includes suggested changes that the AGs say would make the plan more borrower friendly. The suggestions include counting all past months borrowers spent in repayment, forbearance, and some deferments as qualifying towards forgiveness and making the IDR reforms available to borrowers with Parent Plus Loans. In a [press release](#), California AG Rob Bonta stated “for too long, our country’s student borrowers have suffered in an endless cycle of mounting interest and debt that feels impossible to pay off. President Biden’s proposals to improve our student loan system are welcome, and desperately needed for a system that is currently broken. It is long past time for us to begin to lift the burden of decades of ever-increasing student debt off Americans’ shoulders.”

## DOJ Updates Attestation Form for Bankruptcy Discharge

The U.S. Department of Justice (DOJ) recently updated the attestation form that borrowers must complete if they are seeking a bankruptcy discharge of their federal student loans. The action follows the November 2023 [announcement](#) that DOJ, in close coordination with the U.S. Department of Education, was putting in place a new process for handling cases in which individuals seek to discharge their federal student loans in bankruptcy. The new process is supposed to leverage Department of Education data and a new borrower-completed attestation form to assist the federal government in assessing a borrower’s discharge request. DOJ would then review the information provided, apply the factors that courts consider relevant to the undue-hardship inquiry, and determine whether to recommend that the bankruptcy judge discharge the borrower’s student loan debt. The new 15-page attestation form requests substantial information about the borrower’s financial circumstances and student loans, including the following:

- Student loan details, including the loan balance, monthly payment, and status.
- The borrower’s monthly income and expenses, as well as assets.

- Circumstances that may indicate that the borrower will be unable to repay their student loans in the future, such as if the borrower is over 65, is disabled, is chronically unemployed, did not complete their degree, or has already been in repayment for longer than 10 years.
- Details on the borrower's prior efforts to repay their federal student loans including total payments, past periods of deferment and forbearance, and efforts to contact their student loan servicer or enroll in Income-Driven Repayment plans.

The new updates to the attestation form include tweaks to the reporting of monthly household income, clarifying instructions regarding when a borrower needs to provide additional information, new questions seeking details on whether a school closure impacted a borrower's ability to repay their student loans, and more detailed information on a borrower's student loan repayment, deferment, forbearance, and consolidation history. The updates also clarify that if the borrower is disabled, the disability does not have to be "permanent," only "chronic" to potentially be a basis for a bankruptcy discharge.

For additional coverage, see this article from [Forbes](#).

## CFPB Releases Report Finding Decline in Collections Items on Consumer Credit Reports

Today, the Consumer Financial Protection Bureau (CFPB) released a [report](#) that provides an overview of the trends in third-party debt collections tradelines on consumer credit reports from 2018 to 2022. The report found the total number of collections tradelines on credit reports declined by 33 percent, from 261 million tradelines in 2018 to 175 million tradelines in 2022. The share of consumers with a collection tradeline on their credit report decreased by 20 percent in the same timeframe. The report found the decline in furnishing was largely driven by contingency-fee based debt collectors, typically those involved in medical collections, while the number of debt buyers, typically those who furnish financial collections, held constant from 2018 to 2022 at 33 percent.

## U.S. Department of Education News

For today's *Federal Register*, click [here](#).

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## General News

[SCOTUS Blog](#) posted a preview of the upcoming case around the U.S. Department of Education's federal student loan forgiveness program that is expected to be heard by the U.S. Supreme Court on February 28th.

[The Hill](#) reports that the White House announced that Federal Reserve Vice Chair Lael Brainard will serve as the new top economic aide as part of the reshuffling of duties on the Biden Administration's economic team.

[Business Insider](#) reports that student loan borrowers with graduate school debt should get more relief under U.S. Department of Education's new proposal to make monthly payments cheaper.

[Higher Ed Dive](#) reports on a new survey by IBM that about 6 in 10 students, job seekers, and employees aiming to change careers think they do not have the right academic degrees for jobs in the fields of science, technology, engineering and math. where to start.

[The Hill](#) reports that consumer prices rose 0.5 percent in January and 6.4 percent annually, according to the U.S. Department of Labor's consumer price index released Tuesday, a jump in inflation which could encourage the Federal Reserve to further raise interest rates.

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