

The



Torch

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A bi-weekly report from the Coalition of Higher Education Assistance Organizations

COHEAO News

- [**Getting Ready for the COHEAO Mid-Year Conference**](#)
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Congress

- [**Senators Reach Agreement on Stafford, PLUS Interest Rates**](#)
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- [**Cordray Confirmed as CFPB Director**](#)
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- [**Special Attachment: Banking Subcommittee Examines Consumer Debt Industry**](#)
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- [**Democratic Senators Deeply Concerned on Student Debt Relief Companies**](#)
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White House & Administration

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Last week, the Department released Notice of Proposed Rulemaking (NPRM) which will soon be published in the *Federal Register*.
- [**COHEAO Continues To Participate In FCC Meetings on Predictive Dialers**](#)
COHEAO is participating in high-level meetings with the Federal Communications Commission staff on the Telephone Consumer Protection Act.
- [**CFPB Debt Collection Field Hearing Serves as Rollout for New Guidance, Consumer Tools**](#)
In advance of the Bureau’s field hearing in Maine last week, the CFPB announced two new bulletins yesterday related to the collection of consumer debts.

- [CFPB Issues Report to Congress on Financial Literacy](#)
Yesterday, the CFPB issued its first annual Financial Literacy Report to Congress, unveiling its three-pronged approach to improving financial literacy opportunities for consumers.
- [FISAP Form, Instructions, & Desk Reference Now Available—Due by October 1](#)
FSA announced that the Fiscal Operations Report for 2012-2013 and Application to Participate for 2014-2015 (FISAP) has been approved by the Office of Management and Budget (OMB).

Attachments

- [COHEAO Commercial Members](#)
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- [COHEAO Mid-Year Conference Agenda \(Separate Attachment\)](#)
- [COHEAO Mid-Year Conference Flyer \(Separate Attachment\)](#)
- [Summary of Senate Subcommittee on Financial Institutions and Consumer Protection Hearing, “Shining a Light on the Consumer Debt Industry” \(Separate Attachment\)](#)

COHEAO News

Getting Ready for the COHEAO Mid-Year Conference

Here at COHEAO, we are gearing up for the Mid-Year Conference. Set for July 28-30, 2013 at the Hotel Monaco in Chicago, the COHEAO Mid-Year conference offers an incredibly informative and engaging conference program at a wonderful location.

Though the conference is just two weeks away, spots remain available and our conference rates are extremely informative. [Click here](#) to register!

The conference agenda will include a special session from Gail McLarnon, Director of the Policy Coordination Group at the Office of Postsecondary Education, who has now confirmed that she will travel to the Conference. McLarnon is likely to be heavily involved in the planning and execution of the upcoming Negotiated Rulemaking rounds, one of which was announced recently while others could be announced soon. With the departure over the past year of several long-time career staff, she is one of the senior managers on policy at OPE.

The conference will also include reports on the latest activities that affect Perkins Loans and other campus-based accounts receivables, with an emphasis on financial literacy programs, the Consumer Financial Protection Bureau and many other topics. In terms of the CFPB, we are delighted to host Stephanie Eidelman, President and Publisher of the leading industry trade publications *insideARM.com* and *insidePatientFinance.com*, who will provide an overview of the Bureau's efforts to collect, analyze, and disseminate consumer complaints.

While the attached agenda shows the COHEAO Mid-Year Conference is sure to have an informative and engaging agenda, having a little bit of fun is often what turns a good conference into a great one. The COHEAO Mid-Year Conference and the Hotel Monaco offer fantastic accommodations conveniently located next some of Chicago's greatest attractions.

Also attached is a flyer detailing some of the activities within close proximity to the COHEAO Mid-Year. Bring your family or a colleague, learn a great deal on current developments and best practices, and take in some of the best activities in one of the Great American Cities!

The deadline has passed for our conference discounts, but rates at the Monaco are relatively affordable for a major city and there are numerous options within close proximity to the conference. If you have any questions on accommodations, feel free to contact Wes Huffman (whuffman@wpllc.net)

- [Click here](#) to register for the conference
- [Click here](#) to make your reservation at the Monaco.

Additional information on the conference is also available online:

<http://www.coheao.com/conference-events/upcoming-events/upcoming-conferences/>

Congress

Senators Reach Agreement on Stafford, PLUS Interest Rates

After meetings at the White House and among themselves, a bipartisan group of Senators has reached an agreement on modifying federal student loan interest rates. Senator Joe Manchin (R-WV) introduced

the legislation, S. 1338, and the original cosponsors are HELP Committee Chairman Tom Harkin (D-IA) and Ranking Member Lamar Alexander (R-TN) as well as Sens. Richard Burr (R-NC), Tom Carper (D-DE), Tom Coburn (R-OK), Dick Durbin (D-IL), and Angus King (I-ME). Harkin was the last on board among the negotiators, but he reluctantly agreed, and votes are expected next week.

The agreement would produce a small amount of government savings, \$715 million over 10 years, while offering fixed, variable rate loans with rate caps. The rates would apply retroactively to any loans made on or after July 1 of this year. Interest rates would vary by type of loan, and the legislation provides differential pricing for undergraduate and graduate Stafford Loans. The index would be the interest rate for the last auction each May of the 10-year Treasury Note. For this academic year, the auction used will be the one on May 8, when the rate was 1.81 percent. Rates have risen since then. A table with the various spreads and caps, as well as rates for the upcoming year, is included below.

Loan Type	Rate Type	Index	Spread	2013-2014 Interest Rate	Rate Cap
Subsidized Stafford	Fixed, Variable	10-yr Treasury	2.05	3.86	8.25
Unsubsidized Stafford Undergrad	Fixed, Variable	10-yr Treasury	2.05	3.86	9.5
Unsubsidized Stafford Grad	Fixed, Variable	10-yr Treasury	3.6	5.41	10.5
PLUS	Fixed, Variable	10-yr Treasury	4.6	6.41	10.5

The deal should bring an end to what had become long saga in the Senate. However, the Democratic caucus remains fractured on this issue. Senator Jack Reed has already indicated he plans to vote against the measure and Sen. Elizabeth Warren (D-MA), Sen. Jeff Merkley (D-OR), and other Democrats have been highly critical of the legislation because interest rates are projected to rise in the coming years.

Chairman Harkin added a GAO report on the costs (or “profits”) of the loan programs and indicated the rates could be changed at a later date, perhaps through HEA reauthorization. At a meeting of education advocates today, the White House actively sought support from the higher education community while simultaneously stating the rates could be lowered at a later date.

“Can we change it? Sure we can change it. This is not the Ten Commandments written in stone,” Harkin told reporters after the deal was announced. “We passed it to give certainty. If we don’t pass a Higher Education Act, at least there’s certainty in the future. If we pass a Higher Education Act, we might want to leave [the rate] the same or we might want to change it a little bit. I don’t know.”

The legislation is expected to pass the Senate early next week. Speaker of the House John Boehner (R-OH) indicated his chamber would need to see the details, but noted reports indicated the bill is largely similar to H.R. 1911, and it is expected to reach the President’s desk before Congress breaks for its August recess.

The announcement of the legislation is available online: <http://goo.gl/wrkZk>
 A fact sheet on S.1338 is available online: <http://goo.gl/8eDSZ>

Cordray Confirmed as CFPB Director

As we reported in a COHEAO Spark this week, after again coming to the brink of the so-called “nuclear option” of drastically changing the chamber’s parliamentary rules, Senators came together at the last minute to reach an agreement on pending nominations for Obama Administration appointments. The first of many confirmations was Consumer Financial Protection Bureau (CFPB) Director Richard Cordray.

The cloture vote on Cordray, which allows debate to proceed, was a test of the pending agreement. The cloture vote cleared Tuesday morning by a margin of 71-29, and Cordray was confirmed late on Tuesday by a vote of 66-34. Senator Elizabeth Warren (D-MA), long considered the mind behind the CFPB, was the presiding officer during the confirmation vote, and Cordray was sworn in as Director by Vice President Joe Biden on Wednesday.

Cordray’s confirmation removes many questions surrounding the leadership of the Bureau. Perhaps most importantly, the confirmation of Cordray removes legal questions surrounding the Bureau’s regulatory efforts. The court challenges to decisions made by the Bureau because of President Obama’s use of recess appointments (including Cordray’s) remain active, but the newly confirmed Director can validate and/or reissue all of the Bureau’s regulations and guidance.

Enforcement actions are slightly different as the companies in question could point to an improperly appointed Director at the time of the action as a possible defense in these cases. However, Cordray’s confirmation may limit the effectiveness of this defense, and enforcement actions going forward cannot be challenged on these grounds.

Though many Republicans and industry advocates will continue to push for structural changes to the CFPB, such as replacing the single Director with a Commission-style leadership structure, the confirmation leaves the prospects for such changes much less likely. However, in the final negotiations, Republican Senators did receive some assurances on increased oversight for the Bureau.

For example, Sen. Rob Portman (R-OH) said he had received a commitment from Cordray to appear before the Appropriations Committees. The Bureau receives its funding as a set percentage of the operating budget of the Board of Governors of the Federal Reserve and is generally exempted from the appropriations process. In response to Portman’s request for a commitment, Cordray indicated he has testified before and met with the banking committees on the operations of the Bureau and is also willing to do the same with the appropriations committees.

A video of President Obama’s remarks on the confirmation of Cordray is available online: <http://www.whitehouse.gov/live/president-obama-makes-statement-confirmation-richard-cordray-director-consumer-financial-protector>

Special Attachment: Banking Subcommittee Examines Consumer Debt Industry

On Wednesday, July 17th, the Senate Subcommittee on Financial Institutions and Consumer Protection held the hearing, “Shining a Light on the Consumer Debt Industry.” The hearing provided an opportunity for Subcommittee Chairman Sherrod Brown (D-OH) to discuss the possible need for stronger protections for consumers facing debt collection, especially from hospitals or other medical providers.

A summary of the hearing prepared by Washington Partners, LLC is attached with this edition.

COHEAO Continues To Participate In FCC Meetings on Predictive Dialers

In its ongoing work to support clarification of the way the Telephone Consumer Protection Act is enforced given the radical changes in technology during the two decades since it was passed, COHEAO is participating in high-level meetings with the Federal Communications Commission staff. The meetings are in support of a petition by a group of technology providers called Communications Innovators that is asking for clarification that a predictive dialer that does not have the capacity for random or sequentially dialing of phone numbers can be used to call cell phones. The goal is to clarify that all predictive dialers are not “auto-dialers” which the law says can’t be used to call cell phones without written consent. In addition, it is being pointed out that COHEAO and other supporters of the petition are not seeking permission to use predictive dialers for telemarketing purposes.

The outcome of the process is not known at this time, but there is at least interest in the issue on the part of the staff and recognition that predictive dialers that can’t be used for telemarketing and/or dialing random or sequential numbers can be beneficial to consumers, including students, most of whom only have cell phones, who need to hear from their colleges about important issues.

Democratic Senators Deeply Concerned on Student Debt Relief Companies

Twenty-three Democratic Senators, led by Sen. Barbara Boxer (D-CA) and HELP Committee Chairman Tom Harkin (D-IA), wrote the Education Department, FTC, and CFPB on to express concerns over student debt relief companies.

A press release on the letter states, “The federal government provides tools to help students manage their college loans free of charge, but a new National Consumer Law Center report revealed that private companies are taking advantage of students by charging them up to \$1,600 up front and \$20-\$50 in monthly fees to participate in these free federal repayment programs.”

Senators Boxer and Harkin were joined in the letter by Senators Jay Rockefeller (D-WV), Elizabeth Warren (D-MA), Kirsten Gillibrand (D-NY), Brian Schatz (D-HI), Jack Reed (D-RI), Richard Blumenthal (D-CT), Ron Wyden (D-OR), Dianne Feinstein (D-CA), Ben Cardin (D-MD), Al Franken (D-MN), Patty Murray (D-WA), Mark Warner (D-VA), Carl Levin (D-MI), Heidi Heitkamp (D-ND), Mark Udall (D-CO), Martin Heinrich (D-NM), Debbie Stabenow (D-MI), Jeff Merkley (D-OR), Claire McCaskill (D-MO), Tom Udall (D-NM) and Barbara Mikulski (D-MD).

The NCLC report found that many for-profit companies falsely claim to be connected with the Department of Education and other government agencies.

The full letter is available online: <http://www.boxer.senate.gov/en/press/releases/071113.cfm>

White House and Administration

Student Loan NPRM Expected Imminently

In the early part of last year, the Department of Education convened a negotiated rulemaking panel on student loan issues, which included current COHEAO President Maria Livolsi of SUNY and former COHEAO President Bob Perrin of Williams and Fudge. The negotiators were able to reach consensus,

but due to timing issues, the new rules on Income Based Repayment and Income Contingent Repayment were fast-tracked while the remaining regulations were delayed.

Last week, the Department released its Notice of Proposed Rulemaking (NPRM) which will soon be published in the *Federal Register*. Comments will be due within 30 days of publication in the *Federal Register*. The announcement from the Department of Education is available online:

<http://www.ifap.ed.gov/eannouncements/071113SecondNPRMRevisingRegs4PerkinsLoanFFELandDirectLoanprograms.html>

The following is a list of topics covered in the newly proposed rules.

- FFEL Repayment Disclosures: Borrowers Who Are Having Difficulty Making Payments and Borrowers Who Are 60-Days Delinquent
- Forbearance Provisions for Borrowers Receiving Department of Defense Student Loan Repayment Benefits
- Borrowers Who Are Delinquent when Authorized Forbearance is Granted
- Forbearance for Post 270-Day Defaulted Loan Borrowers Prior to Lender Claim Payment or Transfer to ED Default Collections
- Minimum Loan Period for Transfer Students in Non-Term and Certain Non-Standard Term Programs
- “Reasonable and Affordable” Payment Standard for Rehabilitation of Defaulted Direct Loans and FFEL Program Loans
- Rehabilitation of Defaulted Direct Loan and FFEL Program Loans Treatment of Borrowers Subject to Administrative Wage Garnishment
- Participation Rate Index Appeal for Single Cohort Default Rate Loss of Eligibility to Participate in the Direct Loan Program
- Repeal of Unnecessary FFEL Program Regulations
- Modification of Direct Loan Program Regulations
- Total and Permanent Disability Discharge – Single Application Process
- Total and Permanent Disability Discharge – Borrower Notification of Denial
- Total and Permanent Disability Discharge – Post-Discharge Monitoring of Employment Earnings
- Title IV Closed School Loan Discharge
- Satisfactory Repayment Arrangements on Defaulted Title IV Loans for Borrowers who also Rehabilitate the Loan
- School Enrollment Status Reporting Requirements
- Federal Perkins Loan Graduate Fellowship Deferment Eligibility
- Social Security Number Requirement for Assignment of Federal Perkins Loans to Department of Education
- Federal Perkins Loan Cancellation Rate Progression Across Cancellation Categories
- Federal Perkins Loan Economic Hardship deferment Debt-to-Income Ratio Provision
- Federal Perkins Loan Break in Cancellation Service Due to Condition Covered Under the Family and Medical Leave Act (20 U.S.C. 2601 et. seq.)
- Standard for On-Time Rehabilitation Payments in the Federal Perkins Loan Program
- FFEL Program Administrative Wage Garnishment (AWG) Hearings for Defaulted Borrowers

CFPB Debt Collection Field Hearing Serves as Rollout for New Guidance, Consumer Tools

In advance of the Bureau's field hearing in Maine last week, the CFPB announced two new bulletins yesterday related to the collection of consumer debts.

The Bureau is using its authority under Dodd-Frank to prevent unfair, deceptive, and abusive practices to regulate the debt collection practices of first-party creditors. It also provided a bulletin on communicating with customers on the impact of their debt on their credit profile.

On multiple occasions, the CFPB indicated these bulletins were designed to put companies "on notice" on debt collection and provided consumers with several form letters for communications regarding debt collections, such as disputing the validity of the debt or requesting the cease of communications.

For a press release from the CFPB, see: <http://www.consumerfinance.gov/pressreleases/the-cfpb-puts-companies-on-notice-about-harmful-debt-collection-practices/>

For additional coverage from the American Banker, see:

http://www.americanbanker.com/issues/178_132/complaint-data-key-to-cfpb-scrutiny-of-debt-collectors-1060504-1.html

For coverage of the field hearing from insideARM.com, see:

<http://www.insidearm.com/daily/collection-laws-regulations/collection-laws-and-regulations/variety-of-voices-heard-at-cfpb-debt-collection-field-hearing/>

CFPB Issues Report to Congress on Financial Literacy

Yesterday, the CFPB issued its first annual Financial Literacy Report to Congress, unveiling its three-pronged approach to improving financial literacy opportunities for consumers.

"The best and most immediate form of consumer protection is self-protection," said CFPB Director Richard Cordray. "We want to see empowered consumers making responsible and informed financial decisions. [Yesterday's] report chronicles our many efforts already underway to achieve that goal through our financial education strategy."

The Bureau's strategy involves:

- **Education initiatives to reach consumers at key moments:** On its website, the Bureau already offers several resources to help consumers in financial decision-making, such as [Ask CFPB](#) and [Paying for College](#). In addition, the Bureau is developing financial education initiatives with schools, workplaces, faith communities, community organizations, and government agencies.
- **Evidence-based research to identify what works:** The Bureau is currently engaged in research projects to build on current knowledge of what approaches to financial education are effective and how best to measure effectiveness. They will also share the results with other government agencies, financial education practitioners, and other stakeholders.
- **Outreach to share information and develop approaches to reach consumers:** The Bureau engages in dialogue with consumers to understand their needs and uses outreach to build a stakeholder network for sharing best practices and information.

A copy of the report is available at: http://files.consumerfinance.gov/f/201307_cfpb_report_financial-literacy-annual.pdf

FISAP Form, Instructions, & Desk Reference Now Available—Due by October 1

FSA announced that the Fiscal Operations Report for 2012-2013 and Application to Participate for 2014-2015 (FISAP) has been approved by the Office of Management and Budget (OMB). The announcement included the FISAP form, instructions, and Desk Reference. The FISAP will be available on the [e-Campus Based \(eCB\) Web site](#) by August 1, 2013.

The full announcement, which notes the deadline of October 1 and includes the form, instructions, and Desk Reference is available online: <http://www.ifap.ed.gov/fisapformandinst/1415FISAPForm.html>

**COHEAO Would Like to Thank Our Commercial Members for Supporting
More Education for More People**



***We Encourage Those Seeking Services to Give
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