

DATE : April 4, 2002
TO : Team One Members
FROM : Dan Madzellan
SUBJECT : First set of materials for the April 22-24 negotiating session

Enclosed are some of the materials for the next negotiating session. I will make certain that the remaining materials are posted to this listserv by Monday, April 15.

Included in this posting are three packages of draft regulatory language that, with one exception, reflect both the tentative and “conceptual” agreements that we reached at last month’s negotiating session. We reached tentative agreement on “FFEL Promissory Notes” (682.414(a)(5)) with respect to a technical modification regarding the imaging of promissory notes, but that language is not included here. Two additional files are included, the contents of which are explained below.

The draft regulatory packages are arranged by program: Perkins, FFEL, and Direct Loans. Within each program package, the issues are arranged in CFR order. This ordering scheme reflects both the tentatively agreed to issues included here as well as those issues that require additional discussion that will be posted later. The footer on each page identifies each issue by program and CFR sequence number.

The draft language for each issue includes the “contextual” language, with redline/strikeout, that was provided previously. We’ve added the amendatory language that, essentially, will be the language we publish in the Federal Register, pending a review by our Division of Regulatory Services for proper formatting and style.

Most importantly, we have new language for three “conceptual agreements” that need your particular attention:

- Perkins promissory notes (Perkins 7)
- Perkins write-offs (Perkins 12)
- FFEL forbearance simplification (FFEL 8)

Additionally, in a few cases we changed a word or two or otherwise modified the contextual language in (we think) non-substantive ways:

- Perkins 1—added the agreed-to Direct Loan language on MPN expiration
- Perkins 2—changed “Department of Education” to “United States” in new 674.17(a)(2)
- Perkins 8—word changes in (b)(2)(i), (iii), and (viii), and deleted (b)(3) and renumbered
- FFEL 3—changed “AGD”/withdrawal reference to no longer enrolled at least half-time
- FFEL 9—corrected the reference to (f)(10)
- FFEL 11—specified a more complete reference by citing (f)(4)(ii)
- FFEL 13—included the redline/strikeout language
- Direct 6—included additional context (new (c)(1)(iii))

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I have also attached the language provided by Team Two on late disbursements for your review and comment.

Finally, I'm including a copy of the "scorecard" that I've been using to try and keep my own mind organized on these issues. It's included both as a MS Excel file that you can manipulate as well as an Adobe PDF.

If you find it useful, that's great. If not, then what's a few more electrons scooting through cyberspace?

Looking forward to seeing you on the 22nd.