



# Gathering Thoughts & Speaking Points

This section is intended to provide guidance on the desired outcomes of your outreach. It provides an idea of the desired outcomes and key speaking points to prepare your story before making the call.

## Desired outcomes from your phone calls

The following are the desired outcomes from your outreach to your Congressional Offices based on **“Our Asks of the Office.”**

1. An overt commitment from the office to taking action to inquire, request, or motivate ED.
2. An openness to continuing dialog with you and an indication of when you will hear back from the office.
3. A commitment to reporting meaningful feedback in a reasonable time.

We simply want to mobilize as many offices as possible to contact ED on behalf of their constituents. We want to shoot initially to mobilize 20 offices.

### **Our Asks of the Office**

We request the office to direct inquiries to the Department of Education (ED), sharing what they have heard from JCL borrowers, like you, in your district/state. Request that they hold the Department accountable to implement the law quickly, and to share firm implementation dates or plans. Joint Consolidation Borrowers desperately need to be processed starting in September 2024. Ask that they consider some of these progressive actions.

1. The office can contact the Department of Education’s (ED) Office of Legislation and Congressional Affairs to inquire about the status and timeline and advocate that ED delivers by September.
2. The office can schedule a staff-level call with ED to inquire about the status and timeline and advocate that ED delivers by September.
3. The office can utilize its Legislative Director to escalate status requests with ED’s Director of the Office of Legislative and Congressional Affairs to inquire about the status and timeline and advocate that ED delivers by September.
4. The office can request and schedule a call with Department C-Staff & leadership (e.g., Cardona) to discuss the status and timeline and advocate that ED delivers by September.

... and/or ...

5. Offices can work collaboratively with other offices that are committing to action to gain implementation



## 2024 Operation Last Dance

6. **Last resort.** If the office doesn't seem interested in preferred options 1 through 4, you, as a constituent, can request a Congressional Inquiry. This is **not preferred** because its formality, bureaucracy, and timeline create problems for our current timeline. However, it is a viable option. See "*Distinguishing the Asks Above*" and the last section in this doc, "*Congressional Inquiry*."

### Distinguishing the Asks Above

Ultimately, we want the flexibility to progress through actions 2 through 4 in our given campaign period because it is a short window. It is important to talk to a staffer who can evaluate your situation and exercise discretion on your ability to progress through these steps.

Actions 1 through 4 can be a natural outgrowth of a congressional inquiry. While it is a well-defined process that both the ED and congressional offices know, the problem is that a congressional inquiry has formalities that often result in a response from the ED to the congressional office in 2 to 6 weeks, most often in 30 days, which would leave little time for any subsequent followup, requests, feedback, or progression. See the section **Last Resort: Congressional Inquiry** for more information.

## Unacceptable Responses

- If you sense poor engagement, politely challenge them to commit to helping in the ways you are requesting or force them to outwardly and awkwardly decline to help you.
- When they respond, "We'll get back to you on this," politely inquire when and what action they intend to take.
- Providing boilerplate, recycled information that we already know does not help. Call it what it is—boilerplate, redundant. Immediately request something more meaningful.
- "We will watch it closely" is not a commitment to meaningful action. It is intrinsically passive. Request something meaningful.



## Key Speaking Points

Here are the main things that you want to communicate in your phone calls. If you can't include it all in one conversation, check off what you did include and then approach the other content in a subsequent conversation or follow-up email.

### Minimal approach

#### Personal Story

- I have continued to accrue interest in the amount of \$\_\_\_\_\_.\_\_\_ over the last two years while waiting for implementation.
- My legal access to consolidate my FFEL JCL to Direct to qualify for PSLF under 20 U.S.C. § 1078–3 is blocked because I am unable to separate this loan under 20 U.S.C. § 1087e(g).
- I remain tied to my uncooperative former spouse /abuser only through these loans. This puts me in financial | legal | physical peril.
- I continue to be economically abused by my abuser, so even with this law that is supposed to protect and restore me, I am abused under the tenets defined by VAWA2022.
- I remain liable for my former spouse's loan even after filing a Total and Permanent Disability discharge.
- I remain severally liable to my former spouse's balance even though my portion was forgiven under PSLF.
- The inability to separate my JCL complicates my conditions under Borrower Defense.
- Other...

**Your story. Establish the pre-existing damages that the law was created to fix and restore from your personal testimony. Further, establish the damages that you have sustained since the bill was passed while waiting for implementation.**

#### Our Ask of the Offices

"I'm hoping that you could reach out to the Department of Education (ED) to direct inquiries and share my concerns as your constituent and a Joint Consolidation Loan (JCL) borrower that is supposed to be protected under the Joint Consolidation Loan Separation Act (Public Law 117-200). I'm hoping that you could reach out to ED to advocate for a speedy implementation and request implementation details like a tangible timeline and status. I understand that Warner's office has progressively worked through these steps in his efforts, but I believe it is prudent that my office act as a liaison for me on this issue, too. JCL borrowers like myself desperately need to be processed starting in September 2024. Please consider reaching out in some of these ways.



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... and/or ...

Some other offices have been working on this. Could you consider working collaboratively with those who are committing to action to gain implementation”

“I understand that Mark Warner’s office has progressively worked through these steps, but I feel it’s only right to have my own elected officials represent me to ED. Some offices have worked collaboratively over the last year, including Senator Mark Warner and Senator John Cornyn and Representatives Joe Neguse, Haley Stevens, and Brian Fitzpatrick. Perhaps you could collaborate with them on some level.”

- Democrats: Senator Mark Warner, Representative Joe Neguse, Representative Haley Stevens
- Republicans: Senator John Cornyn, Representative Brian Fitzpatrick



## A Little More approach

### The problem

I am calling to see if you could serve as a liaison between me and the Department of Education regarding the implementation of the Joint Consolidation Loan Separation Act. Despite the urgency and spirit with which Congress passed this law in 2022, the Department of Education (ED) has not implemented it with the same urgency. It has been 650+ days since the law was signed, and I have continued to sustain financial damages through accrued interest and other risk...

Despite having all the pieces in place, ED is not delivering implementation, and it further damages me by the day. I am a member of an organization that helped push the Joint Consolidation Loan Separation Act (S1098) into public law (PL117-200) in 2022. We further worked to ensure that Congressional accountability was built into the recent minibus "Further Consolidated Appropriations Act, 2024" (HR2882, H. Res. 1102). Both ED and the Senate Appropriations Committee have confirmed that there are funds for JCLSA implementation, but I can no longer accept the ongoing damages while waiting for implementation. It needs to be implemented by September 2024.

It has been nearly two years since POTUS signed PL117-200 (The Joint Consolidation Loan Separation Act, S.1098) into law. According to the law, I had the right to request separation of my Joint Consolidation Loan as defined under 20 U.S.C. § 1087e(g). ED has yet to implement this Congressionally passed law, which is causing me undue hardship. In this... <segue to personal story>

### Personal Story

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- Republicans: Senator John Cornyn, Representative Brian Fitzpatrick

## Background and Basis for the Ask

“Seeking implementation on behalf of me is risk-free as it is statute. All measures are in place, except the most critical aspect, implementation.

- Most recently, both the ED and the Senate Appropriations Committee have confirmed that the ED has a defined spending plan for implementing JCLSA in late 2024, largely due to the following measures.
- The “Further Consolidated Appropriations Act, 2024” (H.R. 2882, H. Res. 1102) and its explanatory statement set forth language outlining ED’s requirements regarding the Joint Consolidation Loan Separation Act and funding.
- Since October 11, 2022, Public Law 117-200 (PL117-200), the JCLSA has allowed JCL borrowers the legal right to separate their loans and subsequently consolidate either or both to a Direct Consolidation loan as of October 12, 2022. This falls under the statute 20 U.S.C. § 1087e(g).”

“ED did NOT meet the 60-day requirement outlined in the to provide a tangible status update regarding JCLSA implementation. They continue to state “end of year.”

## Other Relevant Points

“The DoE is failing to meet its commitments to Congress and the American people, and this is hindering them from acting, even though this law was enacted in October 2022. These constituents have continued to be held in limbo for nearly two years.”

“Many JCL borrowers remain tied to abusive and/or uncooperative former spouses and it is unconscionable for the DoE to drag their feet while these people continue to suffer when a law exists that allows them to gain freedom.”

“It took the ED 302 days to implement the Higher Education Reconciliation Act (HERA), which ended Joint Consolidation Loans in 2006. This law required changes to 29 sections of the HEA. The JCLSA, aimed at repairing this failed loan type, requires changes to ONE section of the HEA, yet it’s been over 630 days since the act became law.”



# Last Resort: Congressional Inquiry

Most offices contend that one of the most important things they can do for you as your United States Congressman is to serve as a liaison between you and the federal government, particularly in cases where a federal agency has not done what it is supposed to do. To access this service, you must be the Congressman's constituent. This is a de facto process that is well-defined through the Office of Legislative and Congressional Affairs (OLCA) and one that would be hard to decline.

Only one of your three offices can submit a Congressional Inquiry since ED will catalog it in their system and assign a caseworker to provide a response.

In this case, ED is not implementing a law passed by Congress, which is causing undue hardship to their constituent.

Offices generally advise It is important for a constituent to request Congressional assistance only after they have attempted to resolve their issue on their own.

Requesting a Congressional Inquiry:

- Contact a Congressional Office and request an inquiry
- Submit a privacy waiver to your office and any copies of documentation relevant to your case.
- The office will make the inquiry to ED's OLCA
- OLCA receives and tracks inquiries through the Department's correspondence control system.
- Each Congressional inquiry is assigned to the appropriate principal office within the Department for response.

According to the OLCA, these are the elements of information they require from Congressional offices to respond to Congressional Inquiries and casework requests.

- constituent's name, SSN, and DOB on a signed privacy release form;
- a brief description of the constituent's concerns, including any difficulty with the handling of their student loans/loans process; and
- an explanation of the constituent's specific request that includes by name the U.S. Department of Education as the "Name of Agency" for the Congressional office to contact.

What to expect.





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The response from FSA to the Congressional Inquiry can be between 2 - 6 weeks, with a typical time frame of 30 days.

You can receive a boilerplate response to your inquiry. In its guidance to Congressional offices, OLCA advises offices to consult [www.studentaid.ed.gov](http://www.studentaid.ed.gov) first for frequently asked questions. We have seen boilerplate responses derived from these pages throughout our campaigns, which we already track closely.