

FAQs for Department of Education (ED) Public Comment Periods related to Negotiated Rulemaking

Q. Why are there public comment periods?

A. The American public often has valuable information about current and potential policies they consider important, and the impacts proposed federal actions may have on various populations including students and borrowers. Public comment periods are your opportunity to work with us so the Department of Education can take your information into account while considering, writing, or revising regulations.

What is the difference between a public hearing, an oral public comment period, and a written public comment period?

A. A public hearing usually takes place as a stand-alone meeting, usually months before a negotiated rulemaking meeting occurs. It is a designated day and time the Department seeks public comment. An oral public comment period occurs during a negotiated rulemaking meeting, at the end of each day, except the final day of the negotiated rulemaking committee meeting. A written public comment period occurs after the Department has completed negotiations and issued a Notice of Proposed Rulemaking (NPRM).

Q. When is the oral public comment period during a virtual negotiated rulemaking meeting?

A. An oral public comment period typically occurs virtually at the end of the negotiated rulemaking day (with the exception of the last day), usually at 3:00 or 3:30 pm Eastern Time. Refer to the Federal Register Notice for more specific details for the event.

Q. How long does a person get to speak during an oral public comment period?

A. Public commenters that have signed up to speak and have received confirmed time slots will have between 3 – 5 minutes to speak. The exact time will be outlined in the Federal Register Notice announcing the meeting.

Q. How do I register to present an oral public comment during negotiated rulemaking?

A. To request time to comment, please follow the directions outlined in the published Federal Notice, announcing the meetings.

Q. When is the earliest I can request to provide an oral public comment speaking time slot prior to a negotiated rulemaking session?

A. Individuals may begin requesting a time slot approximately one week before the meeting at which they would like to speak. Details will be provided on the Department's Negotiated Rulemaking website.

Q. Why is there no Q & A portion of the oral public comment?

A. The oral public comment period is solely for the public to voice their thoughts and opinions on the relevant topics being discussed and are announced in the Federal Register Notice. It is a listening session for the Negotiated Rulemaking committee and the Department.

Q. Can a public comment be provided anonymously?

A. Not during the oral public comment period. Written public comments submitted through www.regulations.gov following public hearings or during the comment period following publication of an NPRM can be anonymous.

Q. Do I have to turn my camera on when I present oral public comments?

A. No, you do not have to turn your camera on.

Q. Will my oral public comment be recorded?

A. Yes. All public comments are recorded and made available for the Negotiated Rulemaking website. Transcripts will also be made available.

Q. How do I submit a written public comment?

A. With the announcement of a public hearing, the Department will publish a notice in the Federal Register and announce an opportunity to submit written public comment. Additionally after negotiations, the Department will publish a Notice of Proposed Rulemaking in the Federal Register and will announce a written public comment period. These notices will be published on www.Regulations.gov and will provide the necessary information to the public on how to provide a written public comment.

Q. How can I find the Notice of Proposed Rulemaking (NPRM) when it is published?

A. The notice will be published on Regulations.gov. There will also be a link from the Department of Education's Policy Initiatives website:

[Office of Postsecondary Education - Policy Initiatives](#)

Q. Why can't the public provide comments or ask questions through the chat function of at the virtual negotiated rulemaking meeting?

A. The negotiated rulemaking sessions allow for the negotiators to connect with the Department and offer recommendations on proposals. This meeting is broadcast so that the public can view the conversation. There are multiple other opportunities for the public to comment including contacting the negotiator that represents your constituency group, signing up to present through the oral public comment period at the end of the day, or through providing written comment during the NPRM phase. The chat function is an internal feature provided only to the committee members as a way to communicate with each other during the

meetings and the chat log is appended to the publicly posted transcripts on the Department's negotiated rulemaking webpage documenting the proceedings.

Q. If I have trouble logging in during the public comment period, who do I contact?

A. People assigned a time or on the waiting list will receive an email the day they are scheduled to present their comment. The email will contain important information regarding what time to log in to the zoom site, and will provide the link to log in. There will be contact information in the email as to who to contact if assistance is needed.

Q. What if I am unable to provide oral public comment because all slots are filled? Will I automatically get put on the list for the next day?

A. No. If you are unable to provide comment, you are not automatically put the next day's list. You must request to be put on the list. Or you may reach out to the negotiator from your constituency group with your comment. After the negotiations, the Department will publish a Notice of Proposed Rulemaking in the Federal Register and will announce a written public comment period. This notice will be published on www.Regulations.gov and will provide the necessary information to the public on how to provide a written public comment. You will also be able to find information on the Department of Education's Policy Initiatives website: [Office of Postsecondary Education - Policy Initiatives](#)

Q. How many times may I request to speak at a public comment period?

A. Individuals may only speak once during a public comment period for a topic.

Q. Can multiple representatives of an organization speak during the same oral public comment period?

A. We follow the language of the FRN and typically only allow one speaker per organization. If we receive more registrations than we can accommodate, we reserve the right to reject the registration of an entity or individual affiliated with an entity to present comments to ensure that a broad range of entities and individuals are able to present.