

THE NATIONAL ASSOCIATION OF
GRADUATE-PROFESSIONAL STUDENTS

Legislative Letters

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Updates in Higher Education



Image Credit: Kaylynne Glover, "The Capitol"

Democrats in the House have released their version of the Higher Education Reauthorization Act, the US Citizenship and Immigration Services agency is opening a new office to find cases of fraudulent applications for already-naturalized citizens, and tensions are growing in the Senate with the upcoming confirmation of Brett Kavanaugh and the Midterm elections. This and more in our third edition of *Legislative Letters*.

If you have questions, suggestions, or are interested in contributing to the newsletter, or would like to be a part of the Legislative Concerns Committee, please contact the Director of Legislative Affairs, Kaylynne Glover, at legislative@nagps.org. For feedback on the newsletter, you can also follow the link at the end of the Letter to fill out a quick survey.

EDUCATION IN THE EXECUTIVE BRANCH

Department of Education Staff Nominations and Confirmations

[Scott Stump](#), Trump's pick to lead the Career and Technical Education Office, was confirmed by an 85-0 majority, support that has been absent from Trump's other nominations. Stump was the former assistant provost at the Colorado Community College System. [Frank Brogan](#), former chancellor of two both Pennsylvania's and Florida's state system of higher education and president of Florida Atlantic University, was confirmed Assistant Secretary of Elementary and Secondary Education on June 25th. [Jim Blew](#) was also confirmed as a DE policy advisor. Blew [formerly](#) worked for the largest funder of charter schools, the Walton Family Foundation, and has served in several charter school advocacy organizations.

These confirmations leave only one nomination left to confirm: Mark Schulz, to be commissioner of the Rehabilitation Services Administration. Schulz has previously directed the Assistive Technology Partnership and currently directs the Nebraska Vocational Rehabilitation, which provides employment services for individuals with disabilities. [Three positions remain open](#) (undersecretary, assistant secretary for postsecondary education, and assistant secretary for communications and outreach), and it is expected that only one will have a nomination (postsecondary education), as the proposed DEW (Department of Education and Workforce) merger would eliminate the other two positions.

Executive Order: National Council for the American Worker

On July 18th, President Trump [signed an executive order](#) that would create a new council to expand workforce training in line with labor market demands for those without college degrees. It would be accompanied by an advisory board consisting of representatives from state government, philanthropic organizations, educational institutions, and the private sector. A [report](#) outlining this plan has been released by the Council of Economic Advisors.

Interim Title IX Rules

In 2017, Trump's administration, led by Education Secretary Betsy DeVos, issued interim rules regarding Title IX that included removing requests regarding faster responses to complaints and separating victims from alleged assailants (permanent rules are expected soon). In response, several sexual assault advocacy groups have [filed a lawsuit](#), claiming that the guidelines conflict with existing Title IX requires and are based on "unfounded generalizations about women and girls". A federal judge has recently ordered that the groups must file additional briefings before the litigation can proceed (due August 2).

Illegal Collective Bargaining Agreement

Earlier this year, the Department of Education imposed a new collective bargaining agreement that forced union officials to request leave without pay for their union-related work, stripped them of office space and equipment, and cancelled provisions from earlier contracts. The American Federation of Government Employees has [filed a charge](#) against the Department of Education with the Federal Labor Relations Authority.

IMMIGRATION

Deferred Action for Childhood Arrivals (DACA)

The House Appropriations Committee passed [measures](#) on July 25th that would prevent the Department of Homeland security from taking deportation measures against DACA recipients in good standing or those with US Military service.

Visas

President Trump [proposed](#) on July 16th an increase in fees associated with international students. This would include increasing the cost that students must pay for a visa (F and M visas would increase \$150, and J visas would increase \$40) as well as increase existing fees and implement new fees on schools that accept international students (initial certification would increase \$2,300; recertification would cost \$1,250; appeals would cost \$675; expanded application of site fee of \$655). The notice can be found [here](#) and is open for comment until September 17th.

Denaturalization

The United States Citizenship and Immigration Services agency is opening a [new office](#) in order to investigate individuals who have become naturalized but who may have [lied](#) in their applications. The policy until now has been to wait until accusations of fraud arise and then investigate; this policy change would begin to proactively investigate individuals and deport those who are found guilty. The last time a comprehensive effort was made to investigate naturalized citizens for deportation was during the McCarthy era.

LEGISLATION

The Reauthorization of the Higher Education Act

[PROSPER](#), the most recent version of the House Republicans' Higher Education Act, has yet to make it to the House floor, as support for the bill remains weak. House Republicans may be waiting until after Midterms to see what action might be possible before newly-elected House Members take their seats, and we will continue to monitor its progress.

In the meantime, House Democrats released their own version of the HEA reauthorization (H.R.), called the "[Aim Higher Act](#)" on July 24th. While [unlikely to progress through Congress](#), it does contrast the differences in education priorities between House Democrats and Republicans (see [here](#) for a preliminary analysis). Its priorities include increasing college affordability and making college "debt-free", increasing investment in education and teacher training, expanding PSLF programs, simplifying loan repayment, and clamping down on predatory for-profit institutions.

NAGPS will continue to watch the Aim Higher Act and will provide additional updates as necessary.

Perkins Career and Technical Education Act (H.R. 2353 [115])

The Senate [passed](#) the House version of Perkins on July 23rd, with a small amendment that was [approved](#) by the House two days later. It is expected to be signed by President Trump soon. As we previously [reported](#), the CTE Act governs federal spending on career and technical education programs, allotting approximately \$1 billion each year. It would allow the Education secretary to approve, without negotiation, state goals for their career and technical education programs, which would be built around a set of assessments (e.g. graduate rates, enrollment in post-secondary programs, etc.). States must track student performances on a variety of demographics, and states would have less time to meet their goals to receive federal funding.

Employee Rights Act of 2018 (H.R. 6544)

On July 26th, Rep. Phil Roe (R-TN) [introduced](#) legislation that affecting unions. Specifically, it would create a process for unions to recertify, it would guarantee elections are done through a secret ballot, and it would keep union dues from being used for political purposes unless the employee expressly gives permission to do so. Rep. Roe says that this legislation is neither pro- nor anti-union and is instead designed to "repair trust between workers and their representation."

FUNDING

The Federal Budget

In their annual budget review released July 13th, the White House's Office of Management and Budget has [estimated](#) a projected deficit of over \$1 trillion in the 2019 fiscal year, beginning October 1. In contrast, the Congressional Budget Office estimates that the US will meet the \$1 trillion mark in 2020.

The Department of Health and Human Services has spent more than [\\$40 million](#) in two months taking care of the children that have been separated from their families due to this administration's "zero tolerance" border policies and has had to dip into unspent HIV/AIDS funds from previous years.

Spending Bills

The Senate Appropriations Committee has passed all 12 spending bills, and 3 bills have passed the full Senate, according to the Committee on Education Funding. In the House, the Appropriations Committee has also passed all spending bills, and the full House has passed 6. However, no reconciled versions have been passed ahead of the October 1 deadline. See [here](#) for more information on the progress of each bill.

Education Funding

The House education funding bill [passed](#) the House Appropriations Committee on July 11th and contains a small increase for the Department of Education and provisions that allow cancer patients to defer federal student loan payments without interest. The Senate version of the bill, which also contains support for labor and health and human services, has passed in the Appropriations Committee and contains a \$2.2 billion increase for all three areas, but a slight decrease in Department of Education funding due to Pell grant funding rescissions.

Student Loans

The chairmen of the Budget and Education Committees, Senators Mike Enzi (R-Wyo.) and Lamar Alexander (R-Tenn.), have [asked](#) the Congressional Budget Office for detailed information on income-driven student loan repayment plans out of concern that they "may not be sustainable."

The White House is intending to release a Department of Education [proposal](#) to overhaul the "Borrower Defense" program, a type of loan forgiveness for students who are misled or otherwise defrauded by their colleges. Secretary DeVos has been critical of this rule in the past, [stating](#) that it is too costly for taxpayers and too easily claimed. Instead, she proposes procedures that would require students to show evidence of intent to harm.

LITIGATION

Supreme Court Justice Update

Several senators have recently [announced](#) their opposition to Brett Kavanaugh's nomination to the Supreme Court, while others remain seemingly undecided. Opposing Kavanaugh so close to a midterm election is risky, as there are 10 Democratic senators running for re-election in states that Trump won. If they upset their incumbents by opposing his nomination, they may lose the upcoming election. And yet there's significant in-party pressure to oppose Kavanaugh, and the [tensions are running high](#) in consequence. [Public opinion](#), then, on Kavanaugh may play a significant role in how the confirmation proceeds, as these senators may be trying to determine how damaging an opposition would be.

Senator Mitch McConnell, the Senate majority leader, has issued a [private warning](#) to Democrats who have requested extensive records on Kavanaugh before his confirmation. If they keep pushing, he may delay Kavanaugh's confirmation until immediately preceding the election which would harm the 10 Democratic senators up for re-election. Senator Patrick Leahy (D-Vt.) has [told](#) Democrats not to worry, emphasizing that the Senate's obligation to review nominees is fundamental to their obligation to confirm nominations, especially as Kavanaugh lied in his 2006 confirmation hearing.

MIDTERM ELECTIONS

Midterm elections are this November - at the date of this publication, it is 99 days away. All 435 Congressional Districts for the House and 35 of the 100 Senate seats will be open. Senate Republicans currently have a one-seat majority, 218 seats are needed for control of the House - which will require [flipping 23 seats](#). For more information, see these interactive maps of the [House](#) and the [Senate](#). Find out more [who is running](#) and about current Congress members' [history](#), [voting records](#), [committee assignments](#), and [legislation](#). For more information on the issues the public cares about, go [here](#).

So far, Democrats are [out-raising](#) Republicans, which gives them hope of flipping the seats they need to take back the House and Senate. The [University of Virginia's Center for Politics](#) has updated their predictions for which party will gain control of the House - and they're leaning toward the Democrats. Republicans are having to defend 42 seats, and 21 of them are in districts where Trump received less than 55% of the votes (with many having gone to Clinton).

Party Convention plans are also underway. The DNC has yet to pick a location, but the RNC's will be held in [Charlotte, NC](#).

REPORTS AND PRESENTATIONS

[Productivity and Growth in CBO's Forecasts \(July 17, 2018\)](#): Presentation by Robert Shackleton, given to NABE Foundation's 15th Annual Economic Measurement Seminar on the US's 10-year economic projections.

[CBO's Economic and Budget Projections \(July 17, 2018\)](#): Presentation by Robert Arnold and Christina Hawley Anthony, given to NABE Foundation's 15th Annual Economic Measurement Seminar on the US's 10-year economic projections.

[CBO's Projections of Federal Receipts and Expenditures in the National Income and Product Accounts \(July 24, 2018\)](#): The National Income and Product Accounts (NIPA) provide a "framework for describing the U.S. economy and show how the federal government fits into that framework." This report presents the 10-year revenue and spending projections according to the NIPA framework.

[Answers to Questions for the Record Following a Hearing Conducted by the House Committee on the Budget on The Budget and Economic Outlook: 2018 to 2028 \(July 26, 2018\)](#): Answers to the questions posed by the House Committee on the Budget to Director Keith Hall in a hearing held on April 12, 2018.

[Answers to Questions for the Record Following a Hearing Conducted by the House Committee on the Budget on CBO Oversight: The Role of Behavioral Modeling in Scoring and Baseline Construction \(July 26, 2018\)](#): Answers to the questions posed by the House Committee on the Budget to Deputy Director Mark Hadley in a hearing held on February 6, 2018.

FEEDBACK FOR LEGISLATIVE LETTERS

Our Letter is new off-the-ground, and we would really appreciate your thoughts on it - after all, it's for you! So please follow [this link](#) to fill out a quick survey so that we can best meet your needs.