

THE NATIONAL ASSOCIATION OF
GRADUATE-PROFESSIONAL STUDENTS

Legislative Letters

August 27, 2018

Updates in Higher Education



Image Credit: Kaylynne Glover, "The Capitol"

The focus these days center on appropriations as a government shutdown looms. The bills are working their way through Congress (and the Senate minibus funding education has passed!), but we've got one month for either President Trump to sign off on these spending bills or Congress to pass a stopgap bill - will either happen?

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.

LAD Updates!

Will you join us in person? ...Or Online?

That's right! NAGPS is offering several ways to participate in our Fall LAD. Meeting with your Congress Members on the Hill is one of the most effective ways to advocate for graduate and professional education, but we recognize that not everyone can make the trip to DC.

So, we decided to not only encourage students to engage in local advocacy but to offer a way to help these students get the training in advocacy that they need to be truly effective. Therefore, in addition to our standard registration options, we are offering two new packages that allow you to access our training sessions from home: **ON THE HILL Online**, which allows you live-stream (and you can watch these later!) select sessions and access all of our Summit resources (\$25 per person [Member] and \$50 per person [non-Member]) and **ON THE HILL Limited**, which allows you access to individual sessions (\$10 per session per person). To find out more about these packages and to register, check out our [Eventbrite](#).

Our [LAD agenda](#) is continually updated as we finalize speakers and topics. Be sure to check our most recent updates. We'll have sessions on funding, higher education, immigration, open access, unionization, and a panel of graduate students who now work in policy - all of this on top of providing training sessions on effective advocacy and communication as well as ways to take what you learn back to your home institutions. You'll get to meet Tobin Smith, a specialist on Science Policy from AAU (@SciPolGuy); Sean Gallagher, AAAS Senior Government Relations Officer; Sean Marshall, an attorney for the National Labor Relations Board; and Jon Fansmith and Steven Bloom from the American Council on Education, specialists on funding and immigration, respectively; just to name a few.

If you can make it to the Hill in person, be sure to [reserve your rooms](#) before September 7th to get the group rate.

We look forward to seeing you **ON THE HILL** - even if it is **Online**.

EDUCATION IN THE EXECUTIVE BRANCH

Department of Education

Changes to Higher Education Regulations

The Department of Education proposed on July 25th several new [Institutional Accountability regulations](#) in respect to higher education. Of these changes, the removal of the “gainful employment” regulation has been particularly contentious. This regulation was designed to [restrict](#) predatory behavior of for-profit colleges. [Some](#) have argued that this regulation unfairly targets for-profit colleges, instead favoring across-the-board transparency to ensure just and equitable treatment. Others argue that rescinding this regulation without a replacement in place is negligent. The Department has [expressed](#) intention to create a replacement that would require transparency at all institutions, but others have [stated](#) that the data to make determinations about gainful employment would not be available by the deadline.

Another change that has spurred action has been delaying the implementation of rules governing online colleges that are designed to protect students from predatory schools. Two teachers’ unions are [suing](#) the department over these delayed rules over [claims](#) that the department had not met the deadlines for issuing the delay.

Mobile-Friendly FAFSA

To make [applying for financial aid](#) easier, the Department of Education updated its website ([FAFSA.gov](#)) for mobile use and has also released the beta version of a [myStudentAid](#) mobile application (the full version should be available on October 1).

Department of Defense Title IX

As part of the National Defense Authorization Act, the appropriations bill that funds national defense, Department of Defense Education Activity schools [must now follow](#) Title IX regulations and create procedures for protecting victims of sexual harassment.

LEGISLATION

Nearly all education-related legislative action has centered on passing appropriations bills, so see our funding updates below!

IMMIGRATION

Deferred Action for Childhood Arrivals (DACA)

President Trump's administration ordered an end to the Deferred Action for Childhood Arrivals (DACA) program last year, though several judges have [ruled](#) that it must continue to operate. A [coalition](#) between [GoFundMe](#) and FWD.us has been formed to help DACA recipients raise money for the \$495 application fee.

Immigration Judges

In efforts to speed up processing asylum seekers and other undocumented persons, President Trump's administration has increased the number of immigration judges to a total of [351](#) (and is expected to hire more), swore in eighty-two new immigration judges this year, and is expected to hire at least seventy-five more.

Additionally, several judges have [reported](#) being instructed by the Trump administration to increase the number of hearings they are having in order to speed up the rate of deportations. At the same time, the administration has [increased regulations](#) regarding the vetting of refugees resulting in a significant and intentional restriction of the pace of admitted refugees and is estimated to admit less than half of the historically low refugee cap set by the administration last year.

FUNDING

Spending Bills

The most recent minibus passage happened August 23rd and was the [Senate bill](#) approving funding for Labor, Health and Human Services, Education and Defense and funded a total of [\\$857 billion](#) for approximately two thirds of the government. However, the government may still shut down on September 30th if (1) all the spending bills do not pass both chambers, (2) the President does not sign them (which he has threatened to do if his border wall is not funded as he wishes, or (3) a stopgap spending bill is not passed to temporarily keep the government operating. Go [here](#) for up-to-date information on appropriation bills as they make their way through Congress.

Education Funding

The Senate bill (H.R. 6157 [115]) containing funding for education-related spending passed, giving a nice boost of funding to the Department of Education (which received a total of \$71.4 billion). It was approved with the addition of several minor [education-related amendments](#).

President Trump has reportedly [expressed concerns](#) with several elements in the education funding bill. In particular, he is unsupportive of 28 education programs generally aimed at helping underprivileged students (\$6 billion), expanding the Public Service Loan Forgiveness program (\$350 million), the lack of funding for his school choice proposal (\$1 billion), and the inclusion of provisions that blocks DeVos's plans to change how student loans are collected.

A boost to education funding may be great, but [many colleges and universities are suffering financially](#) - and it's not likely to improve as projections estimate fewer students aiming for college. The number of high school graduates is expected to drop significantly in the coming decades while reports indicate that the upcoming generation is less likely to go into debt for a college education after watching the generation before struggle with the financial burden.

LITIGATION

Supreme Court Justice Update

The Senate hearing for Judge Brett Kavanaugh's confirmation has been [scheduled](#) to begin on September 4th, yet Senate Democrats are [increasingly insistent](#) that the hearing should be delayed given recent revelations that make it ever more likely that Kavanaugh's appointer, President Trump, would end up appearing in front of him. The question becomes that of impartiality: could Kavanaugh be trusted to make an unbiased judgment? Many are skeptical, especially since they have been given little time to review Kavanaugh's expansive records. In [discussions](#) with senators, Kavanaugh expressed little inclination to recuse himself from any litigation involving Trump but did appear to ease up on his previously-stated opinion that sitting presidents should have immunity.

Kavanaugh [can be approved](#) without a single Democrat voting for him if all the Republicans toe the line. That may be difficult in and of itself, given the independent nature of several Republicans, but it also may not be necessary. So far, [many Democrats](#) are [unwilling to commit themselves](#) either way on Kavanaugh when they are so close to the Midterms. If they refuse to nominate him, they risk upsetting voters in contested states and thus risk losing the seat to Republicans entirely. They may be instead be hinging their hopes on delaying the vote until after the Midterms, which may be increasingly likely given the criminal activity surrounding President Trump.

MIDTERM ELECTIONS - 71 days!

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 the Democrats to [flip 23 seats](#) if they hope to become the majority. 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](#).

Signs continue to predict that Democrats will take the House. [Motivation is higher](#) for Democrats than Republicans right now, and [FiveThirtyEight](#) gives them a 75.4% chance and estimates they'll gain 35 seats. But within the 80% probability margin includes anywhere from a 14-seat gain to a 58-seat gain. However, [unless they add 60 seats](#), it's unlikely that they would be able to pass much legislation. The Senate outcomes are likely to be much more bi-partisan with no party exceeding a majority by more than [three or four seats](#).

If Democrats do take the House, they'll have the [power of the subpoena](#), and there's a good chance they will use it to investigate both President Trump's private businesses and his public administration. It also would position several women to take [significant leadership positions](#) on committees and subcommittees. However, there doesn't seem to be widespread support for Nancy Pelosi to [transition](#) from minority leader to House Speaker, though an alternative choice is unapparent.

SOCIAL JUSTICE AND MENTAL HEALTH WATCH

Current numbers put 40% of graduate students suffering poor mental health that affects their works and are almost twice as likely as the general population to seriously consider suicide. The San Francisco Chronicle [released an article](#) giving suggestions on how to improve graduate student mental health, including recommendations to become more open about mental health, increase and expand services to graduate students, address harassment, create networks of peer support, and reduce student stress.

The Department of Education is currently [investigating](#) Ohio State University's handling of sexual abuse reports. The latest in a string of scandals regarding appropriate responses to allegations, this one has a congressional representative caught in the middle. Students report that Rep. Jim Jordan (R) ignored sexual abuse under his watch.

REPORTS AND PRESENTATIONS

[Underwater on Student Debt](#) - A quarter million federal direct student loan borrowers see their loans go into default for the first time every quarter, and an additional 20,000 to 30,000 borrowers default on their rehabilitated loans. Previous research shows that the likelihood of default is higher for certain borrowers, particularly black borrowers, borrowers who go to for-profit schools, those who leave school without a degree, and those from low-income households. This report provides the first look at the relationship between a borrower's credit history and her probability of default.

[An Update to the Economic Outlook: 2018 to 2028](#) In CBO's updated projections, real gross domestic product (GDP) grows by 3.1 percent in 2018 and by 2.4 percent in 2019 before slowing in the following years. [Director's Statement on An Update to the Economic Outlook: 2018 to 2028](#)

[Sequestration Update Report: August 2018](#) In a report required by law, CBO provides estimates of the caps on discretionary funding for each fiscal year through 2021. CBO concludes that the discretionary appropriations provided to date for 2018 do not exceed the caps for this year.

[The Deficit Reductions Necessary to Meet Various Targets for Federal Debt](#) What changes in federal budget deficits would be necessary to reduce debt held by the public over the long term? CBO analyzed the primary deficit reductions necessary to meet three different debt targets in four different time frames.

[Paying for College: What the Federal Investment Means for Students and Universities](#) Presentation by Justin Humphrey, an analyst in CBO's Budget Analysis Division, at the Committee for Education Funding.

[How the Government Budgets for Student Loans](#) Presentation by Justin Humphrey, an analyst in CBO's Budget Analysis Division, at the Postsecondary National Policy Institute.

[The Pell Grant Program](#) Presentation by Leah Koestner, an analyst in CBO's Budget Analysis Division, at the Postsecondary National Policy Institute.

[Paying for College: What the Federal Investment Means for Students and Universities](#) Presentation by Justin Humphrey, an analyst in CBO's Budget Analysis Division, at the Committee for Education Funding.

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.