

THE NATIONAL ASSOCIATION OF
GRADUATE-PROFESSIONAL STUDENTS

Legislative Letters

September 24, 2018

Updates in Higher Education



Image Credit: Kaylynne Glover, "The Capitol"

Congress passed a minibus *and* a continuing resolution to fund the government, student loan companies and Department of Education are facing even more lawsuits, and midterms are heating up - but all eyes have been on Kavanaugh as news of a sexual assault allegation has thrown chaos into the confirmation. This and more - including our new section *Relevant Reads*, featuring links to various articles covering issues pertinent to graduate education - in this issue 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. To find out more about the ratified NAGPS [Legislative](#) and [Advocacy](#) Platforms, be sure to follow these links.

Last Chance for LAD!

Will You Be Joining Us On The Hill?

Our *Advocacy Summit and Legislative Action Days* are being held this weekend, and we hope you've got your flights, rooms, and registration booked! A week from today, we hope you'll be either in DC or your home districts, advocating for graduate education and the needs of your students.

Our agenda is finalized! You can expect to hear from science policy expert **Tobin Smith** from AAU; learn about the congressional funding process from **Stephanie Giesecke** at NAICU; find out more about the process of Congress from MIT University Liaison **Jack Reid**; get up to date on immigration policies from **Steven Bloom** at ACE; find out more about open educational records from **Nick Shockley** at SPARC; get training on Title IX from **Megan Simmons** at George Mason University; learn more about unionization from **Sean Marshall** at NLRB; get advice from **MIT** on strengthening your government relations efforts; get the inside scoop for congressional visit best practices from **Sean Gallagher**, former staffer currently working at AAAS; get the latest information from the Higher Education Act reauthorizations; and meet five - *that's right, five* - **former graduate students** who have found homes in policy to give you tips on following in their footsteps.

We have our leave-behinds ready to go! Feel free to print these off and use them as a reference in your meetings - even leaving them behind for staffers and members to reference, if they are interested. We picked issues most likely to come up soon: annual funding for graduate education, items likely to appear in attempts to reauthorize the Higher Education act, issues surrounding international students, and access to open education records.

- [Funding Graduate Education](#)
- [Higher Education Act Reauthorization](#)
- [International Students](#)
- *Open Access (not quite ready yet, but watch our website for it to go live later this week)*

When you thank your members after your meeting, we encourage you to include digital copies of the documents that were pertinent to your conversation. We also have a [letter drafted by our International Student Advocacy Board regarding visa revalidation policies](#) for you to review in preparation for our LAD. It includes a link to [their letter the U.S. State Department](#) that we also encourage you include in any follow-up emails with Members, as it is pertinent.

We have had to change one aspect of our **ON THE HILL Online** and **Limited** offerings: Due to logistical issues, we're not going to be able to do live-streaming. However, we'll still offer online access to select sessions after LAD, which you can access at any time once you've registered - even after the event! To find out more about these packages and to register, check out our [Eventbrite](#).

We hope to see you this weekend! **#NAGPSLAD**

THE EXECUTIVE BRANCH

DEPARTMENT OF EDUCATION

Definition Change: Anti-Semitism

The Department of Education (ED) has [adopted a controversial definition of anti-semitism](#) that includes criticism of Israel, a definition used by the State Department. The move is accompanied by the [re-opening of a 2011 lawsuit](#) against Rutgers University claiming anti-Semitism. Several civil rights organizations, including [J Street](#), the liberal-leaning Jewish advocacy organization, have expressed concern that this new definition would prevent academic criticism of Israeli policies and would impinge upon free speech.

Rule Change: Title IX

[An analysis into the proposed rule changes to Title IX](#) conclude that the changes would reduce the number of investigations into sexual assault and harassment. Additionally, instead of reducing costs, [it's more likely to increase them](#). Advocacy groups claim that this is evidence that the ED is primarily interested in ["reducing liability for schools"](#) instead of protecting students from discrimination.

Rule Delay: Borrower Defense

U.S. District Court [Judge Randolph Moss ruled against the ED](#) in its delay of implementing the Obama-era regulations for the "Borrower Defense to Repayment" rule. Designed to protect students from predatory lending practices, Judge Moss stated that DeVos's delays were ["unlawful," "procedurally invalid" and "arbitrary and capricious,"](#) and [gave her until October 12th](#) to come up with a new justification for her rule delay.

Data: Borrower Defense

Under orders from Congress, the ED [released its first quarterly report](#) on its progress on processing claims under Borrower Defense. There were over 100,000 pending claims as of June 30th, which [members of Congress cite as evidence](#) that the ED is not interested in protecting students from predatory lending practices.

Data: Public Service Loan Forgiveness

The ED released data showing that only [289 applications \(of the nearly 29,000 submitted\)](#) have had their loans forgiven under the PSLF program, meaning 99% of the applications were rejected. Most are being denied for not meeting requirements, though [a report from the Consumer Financial Protection Bureau last year](#) suggest these are largely due to errors on the part of the loan provider. Some members of Congress are concerned that students have been unjustly denied and have thus created a fund in the FY18 ([H.R.1625](#)) and the FY19 ([H.R.6157](#)) appropriations bills to help borrowers re-apply.

Student Loans

The Department of Education has been facing lawsuits regarding their relationships with student loan companies, including Navient and FedLoan Servicing. [President Trump and Secretary DeVos have both made moves](#) to prevent action taken against student loan companies, including denying access to information necessary in these lawsuits.

Financial Aid Phishing

The ED has also recently released a warning to students that individuals receiving financial aid are being targeted in phishing attacks. Emails are being sent from University servers to students who then provide information, which the phishers will use to change the bank accounts to which the refunds would be directly deposited.

IMMIGRATION AND INTERNATIONAL STUDENT CONCERNS

Rule Change: Green Card Requirements

In August, the Trump administration [announced](#) its intentions to make obtaining citizenship more difficult for legal immigrants. Specifically, it would prohibit citizenship for anyone who has used or whose household member has used several public welfare programs (Obamacare, children's health insurance, food stamps), even if that household member is a citizen.

The [administration just released new proposed rules](#) that would also restrict green cards for legal immigrants who are on food and housing assistance in an attempt to screen out those who might become "public charges." The likelihood of needing financial assistance has always been a consideration for green cards, though using food stamps and assisted living has not been used as a factor before.

Policy Change Impact

With an F-1 visa, international students are eligible to stay in the U.S. for three years after graduation to gain "optional practical training," which they can apply for before they graduate if they have a job agreement. Many of those who do eventually secure a coveted H-1B visa, allowing them to stay and work in the US.

[Many American businesses have to compete](#) for a limited number of STEM-trained employees and rely on a workforce of trained international students. The current administration's perspective on immigration [has resulted in a 17% drop in F-1 visas](#), and [businesses have responded, warning the Department of Homeland Security](#) that the U.S. economy will suffer because of these changes.

THE LEGISLATIVE BRANCH

LEGISLATION

Appropriations

The [House and the Senate passed the minibus \(H.R. 6157 \[115\]\)](#) containing funding for the Departments of Labor, Health and Human Services, Education and Defense along with a continuing resolution that would keep the government operating until December 7th if the rest of the spending bills have not passed by then. Of course, [the government may still shut down](#) if Trump vetoes the package, which he has threatened to do as it does not fund his border wall.

The bill contains an [substantial increase in education funding](#), including increased pell grant funding and funding for career and technical education programs, authorizing an interest-free loan deferment program for students diagnosed with cancer, and allowing for federal funds to aid in transportation costs to engage in desegregation efforts. [It also](#) funds a program that allows denied students to re-apply for the PSLF program, a \$2 billion increase in NIH research funding, and funding for open educational resources.

Taxations

The House Ways and Means Committee [passed a set of tax cut bills](#), potentially [adding \\$3.8 trillion trillion](#) to the federal deficit over the next ten years, and [hope that it will clear the House by October](#). However, the chances of the bills going into effect seem unlikely: there doesn't seem to be enough public or Senate support. The bills make permanent the very unpopular SALT cap from last winter's tax cuts and adds \$627 billion to the deficit, bringing the total deficit to nearly \$1.8 trillion.

HEARINGS

House: Campus Free Speech

The House is convening a [hearing this Wednesday regarding free speech](#) on college campuses, following allegations from the Trump administration that colleges and universities are not doing enough to protect free speech.

MIDTERM ELECTIONS - 43 DAYS

[Polls continue to predict a big Democrat win](#) in the upcoming midterms. A new [Quinnipiac University poll](#) puts Democrats at a 14-point advantage, an [NPR/Marist](#) at 12-point, and a [POLITICO/Morning Consult](#) at 10-points. At the same time, [voter turnout in the primaries](#), though difficult to compare across election cycles, indicate high enthusiasm for this election cycle.

The House has been expected to go to the Democrats for some time, and most have thought the Senate would stay strongly bi-partisan (currently 51-49). However, [recent indications suggest that may not be the case](#). Senate Majority Leader [Mitch McConnell \(R-KY\) has warned his party](#) that their majority is in danger, and several seats are in close races that could go either way - to a stronger Republican majority or a Democratic one.

If Democrats do take the House, [there's talk they will immediately pass an ethics passage](#), addressing everything from how Congress works to campaign finance reform. Whether it will have enough support in the Senate is unknown, but they can certainly make changes within the House itself. There's still little indication who will lead the House Democrats, as a handful of [House Democrats are seeking a rule change](#) that would require a higher number of votes for the Speaker, indicating a lack of support for House Minority Leader Nancy Pelosi.

All 435 Congressional Districts for the House and 35 of the 100 Senate seats are 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](#).

THE JUDICIAL BRANCH

THE SUPREME COURT

Supreme Court Justice Update

Senate Democrats have been [insistent that they needed more time to confirm](#) Judge Brett Kavanaugh to the Supreme Court, primarily on the grounds that [only a relatively small number of documents](#) were released with enough time to review them before his hearings. During the hearings, evidence was revealed that Kavanaugh [may have been not been honest about involved in the controversial circuit court nomination](#) of Charles Pickering under George W. Bush. Still others noted that Kavanaugh deflected on key [education questions](#), significant as several [education-related issues](#) are likely to appear before the Supreme Court and Kavanaugh has stated the opinion that [precedents can always be overturned by the Supreme Court](#). For comprehensive coverage of the hearings, see [here](#).

After the hearings, Kavanaugh [appeared to have enough support to begin his term by October](#), as he did not need Democrat votes to [be confirmed](#), though it would require all Republicans to support him.

However, not only may Democrats be granted more time before a confirmation vote is held, the certainty of Kavanaugh's confirmation now seems shaky. Kavanaugh [has been accused of attempted rape](#) while in high school at Georgetown Preparatory School. His accuser, [later identified as Dr. Christine Blasey Ford](#), alleges that [Kavanaugh attempted to rape her](#) while a classmate of his, Mark

Judge, [made efforts to conceal](#) what was happening. Kavanaugh has denied allegations, and his classmate says he does not recall the event - though comments made by both [Judge](#) and [Kavanaugh](#) suggest a culture of wild partying, underage alcohol use, and “guys being guys” during their time in school.

Dr. Ford’s initially presented her [letter](#) to [Senator Dianne Feinstein with requests to keep it quiet](#). A research psychologist at Palo Alto University, she feared public backlash, which now seems warranted. Once revealing her identity and stating that she would be willing to testify in front of the [the Senate Judiciary Committee](#), threats on her and her family has caused her to [move into hiding](#). As a result, her hearing, which had been [originally scheduled for today](#), has been [postponed until Thursday](#).

[Requests that Kavanaugh’s confirmation vote be postponed](#) until an FBI investigation could take place has come from both sides of the aisle, including Senate Minority Leader [Charles Schumer](#) (D-NY), Senator [Joe Donnelly](#) (D-IN), Senator [Bob Corker](#) (R-TN), Senator [Jeff Flake](#) (R-AZ), and Senator [Lisa Murkowski](#) (R-AK) - which is especially significant, as the last are three of the four key votes. [Dozens of advocacy groups](#) have also requested an investigation. However, so far, the [White House has not made an official request for an FBI investigation](#), which [they must do for an investigation to take place](#).

As for [Kavanaugh’s defense, rumors have spread](#) that focus will not be on whether the assault happened - only on whether Kavanaugh was actually the attacker. And this weekend, White House [aids tried to prepare Kavanaugh for uncomfortable questions](#) as they quizzed him on personal matters, which caused him great frustration, at one point saying, “I’m not going to answer that.”

Once news broke of the allegations, letters of support came in from all sides. [Sixty-five women](#), claiming to have known Kavanaugh for more than 35 years, wrote a letter supporting his character, while Dr. Ford has received [letters of support](#) from the high school she attended at the time, many of the school’s alumnae, [her family](#), and [others](#).

Polls of public opinion regarding the Kavanaugh seems to show increasing opposition. Before the allegations hit, a [Reuters poll showed 34% of voters opposing him](#) (with around 31% supporting him), which had been consistent for a few weeks. The week after the news broke, the [opposition increased to 36%](#) (though the number supporting him stayed the same). An NBC poll immediately following the news release [showed a 9 point increase in opposition](#).

Amid all these allegations, [the GOP spokesman on Kavanaugh, Garrett Ventry, has resigned](#), having been accused of sexual harassment allegations that resulted in his being fired from a former political job.

LITIGATION

New York v Debt Resolve Inc et al: Predatory Debt Relief Companies

Nine student loan [debt relief companies are being sued](#) by the New York Attorney General, Barbara Underwood. In the lawsuit, Underwood [claims that the companies use predatory practices](#), including

misleading borrowers about the company's affiliations, charging illegal interest rates, and telling students they are ineligible for debt relief.

Doe v Baum et al: University of Michigan, Title IX

The [U.S. 6th Circuit Court of Appeals](#) issued a ruling that universities must have a live hearing for the accused to directly cross-examine their accuser to ensure due process. The [former University of Michigan student claimed](#) that he should have had the chance to question the accused before being expelled in his senior year. Many Title IX processes at universities use a "single-investigator" model that requires a [single official to gather information](#) from relevant parties and draft a report, with the ultimate decision lying with a second, uninvolved official.

THE DEPARTMENT OF JUSTICE

Forum: Free Speech

The Justice Department [held a forum last week on free speech in higher education](#) and comes admit allegations from the Trump administration that higher education simultaneously stifles free speech and grants too much (see the adoption of the new anti-semitism definition). Attendees, presenters, and panelists included Attorney General Jeff Sessions; Republican Senator and Chair of the Senate HELP Committee Lamar Alexander; Deputy Attorney General Rod Rosenstein; and Nadine Strossen, former president of the ACLU.

IN RELATED NEWS...

RELEVANT READS - NEW

[What Neil deGrasse Tyson Thinks Higher Ed Gets Wrong](#)

[New research from Roberto Gonzales shows that immigrant students with DACA status experience smoother transitions to adulthood.](#)

[Positive View of Higher Ed, With Lots of Caveats](#)

[Federal funding for higher ed comes with strings attached, but is still worth it](#)

[How to Be Disabled in Higher Education](#)

['Nevertheless She Persisted?'](#) (women in STEM)

[Higher Education Employment Increases but at Slower Rate](#)

[New US rules on campus sexual misconduct 'a backwards step'](#)

[Advice for Marginalized Students on Choosing a Ph.D. Program](#)

REPORTS AND PRESENTATIONS

[Monthly Budget Review for August 2018](#): The federal budget deficit was \$895 billion for the first 11 months of fiscal year 2018, CBO estimates, \$222 billion more than the shortfall recorded during the same period last year.

[About CBO's Cost Estimates](#): Formal cost estimates are among the many products CBO provides to policymakers and analysts to help them assess the effects of differing policies on budgetary outcomes.

[CBO's Cost Estimates Explained](#): The Congress uses CBO's cost estimates to help it implement rules and procedures related to budget enforcement. Those rules and CBO's estimates recognize the differences among the three primary components of the federal budget.

[Baseline Budget Projections](#): Presentation by Theresa Gullo, Assistant Director for Budget Analysis, and John McClelland, Assistant Director for Tax Analysis, at a joint seminar by CBO and the Congressional Research Service for Congressional staff.

[Conference Agreement for H.R. 6157, Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019](#): As included in H.Rpt. 115-952

[The 2018 Long-Term Budget Outlook at a Glance](#): In June, CBO released The 2018 Long-Term Budget Outlook, describing the agency's projections of federal spending, revenues, deficits, and debt over the next 30 years. This post presents some of the key takeaways from that report.

[The 2018 Long-Term Budget Outlook in 25 Slides](#): These slides summarize CBO's budget projections as presented in The 2018 Long-Term Budget Outlook.

[Uncertainty of CBO's Long-Term Projections](#): In June, CBO released The 2018 Long-Term Budget Outlook, describing the agency's projections of federal spending, revenues, deficits, and debt over the next 30 years. This post discusses the uncertainty surrounding those projections.

FEEDBACK FOR LEGISLATIVE LETTERS

Our *Letter* is still new, 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.