

THE NATIONAL ASSOCIATION OF
GRADUATE-PROFESSIONAL STUDENTS

Legislative Letters

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Updates in Higher Education



Image Credit: Kaylynne Glover, "The Capitol"

The Department of Education's proposed changes to Title IX are officially open for comment, and advocacy groups are mobilizing in response. Meanwhile, Congress and the White House have less than a week to pass the final seven appropriations bills before the government shuts down (at least partially) - and it might happen if President Trump does not receive the funding he wants for his border wall. All while the incoming House majority is preparing for the next year, both in leadership assignments and strategic planning.

To view previous editions and to subscribe to our newsletter, check out our [Legislative Letters blog](#)! 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. To provide 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.

THE EXECUTIVE BRANCH

DEPARTMENT OF EDUCATION

Title IX

The Department of Education's (ED) proposed changes to Title IX are [officially on the federal register and will be open for comment until January 28th](#). Generally praised by men rights activist groups, pushback has come primarily from sexual assault survivor groups and, to varying degrees, institutions of higher education. Nearly all who have spoken out against the rule changes have expressed concern that it would result in a [significant decrease in the number of victims who are willing to come forward](#), and, consequently, in the ultimate safety of university campuses.

One of the most contentious issues is the required "live hearing" to be held during the disciplinary proceedings. [Both sexual assault advocates and university administrators are calling into question this requirement, though for different reasons](#). Advocates claim that it is re-traumatizing for victims; administrators claim that it would add significant burden to universities and turn the proceedings into a criminal investigation, in no small part by allowing students to bring in hired, outside counsel. Some have argued that this change, touted to solve a major problem, doesn't actually address an existing problem: [accused students have always been able to ask their accused questions through a written report](#). Moving this process to a live hearing would only add significant burden to all parties.

Individuals and organizations have begun mobilizing against the letter. [Lawmakers are urging the public to comment](#), and sexual assault advocates have created a [website to help people do just that](#), spreading the word with the hashtag "HandsOffIX." More than 120 civil rights and advocacy groups have signed onto [a letter that urges Secretary DeVos to extend the comment period by another 60 days](#) so that teachers, administrators, and students, who are generally overburdened during finals and the start of a new semester, can have the time to respond adequately. Meanwhile, House Democrats are expected to oppose the proposal once they take office; [Representative Nancy Pelosi, potential House speaker, has issued a statement promising action](#).

Student Loans

Student loans continue to be a major issue among policy makers. [Senator Warren released an internal audit by the Department of Education of the student loan company Navient](#) that shows that the company may have pushed lenders into expensive forbearance programs instead of income-based repayment programs that would have been better for the borrower. [Navient is currently being sued by five states and the Consumer Protection Bureau for the same thing. The CEO of Navient denies the allegations.](#)

Meanwhile, during the annual Federal Student Aid (FSA) Training Conference in Atlanta, Secretary [Betsy DeVos called the student loan situation "a crisis in higher education"](#) and that the government needed to become a "more responsible lender" in regards to the distribution, administration, and

management of student loan programs. Unless significant policy changes are made, student aid programs will be in serious jeopardy, as too few students are paying off debt. She blames student loan programs for enticing students into debt and jeopardizing the taxpayer dollars that go into student loans.

[Higher Education and student loan researchers, however, are calling into question her statement.](#)

Several claims are being investigated, including the reliance on the questionable “Bennett hypothesis”, a largely discredited hypothesis that claims that the increase in the cost of an education is due to the rise in the availability of student loans. Also in question is the implication that Obama-era lending policies are to blame for the crisis, which critics claim have no evidentiary support. Both of these claims suggest that Secretary DeVos is attempting to sway lawmakers to change student loan policy in a particular direction, especially in light of the fact that she did not provide any internal solutions to solve student loan problems.

Staff Changes

Robert L. King, [formerly the president of the Kentucky Council on Postsecondary Education, has cleared the Senate HELP Committee](#), along party lines, in his confirmation as the assistant Education secretary for postsecondary education.

Office of Civil Rights Mass Filer Complaints

The ED just [announced a change to their case processing manual](#) that reverses a previous position taken earlier this year. The earlier change had allowed for the dismissal of hundreds of complaints of civil rights violations on the grounds that they were “mass filers” that added too much burden to the Office of Civil Rights. The reversal seems to be in response to litigation that had been filed against the ED when they first made the change, primarily by advocacy groups for individuals with disabilities.

IMMIGRATION AND INTERNATIONAL STUDENT CONCERNS

Proposed Rule Change: H-1B Petitions

The Department of Homeland Security (DHS) [has proposed a rule change to modify the H-1B petition process that would change how petitions are processed](#). DHS has suggested that this change should increase the number of beneficiaries who have earned degrees from U.S. institutions of higher education. The proposed rule will be open for comment until January 2nd, 2019.

Chinese Student Restrictions

In an effort to curb intellectual espionage, [the Trump administration is considering expanding the current vetting process for Chinese students in the United States](#) to include investigating social media and phone records. This is on top of a move in June to shorten the length of visas for Chinese students studying in specific areas important to national security.

THE LEGISLATIVE BRANCH

LEGISLATION

Appropriations

Congress has until December 7th to pass seven spending bills to avert a partial government shutdown. President Trump has indicated that he will not sign a bill unless it contains enough funding for his border wall and told reporters that, given the current border situation, [“This would be a very good time to do a shutdown”](#) and that a government shutdown would be [“a total winner.”](#) [Both House and Senate bills fund the wall](#), but [at significantly lower amounts than what the President has requested \(\\$5 billion\)](#), the House at \$5 billion and the Senate at \$1.6 billion. If all three entities can't agree, not only will the government partly shut down, but President Trump will lose his last chance to fund the wall while Republicans have control of both Congressional chambers. To get Democrats to sign on, some [Senate Republicans have offered to include protection for the DACA program in the spending bill](#), but it doesn't look like Democrats are interested in negotiation. [Senate Minority Leader, Charles Schumer \(D-NY\) has reported suggested another short-term spending bill](#) to avoid a shutdown.

Taxations

Hoping to pass a final piece of tax legislation before they lose control of the House, [House Republicans introduced a series of tax changes that will hopefully garner support from House Democrats](#). In addition to renewing expired tax provisions, it also includes tax relief for victims of natural disasters and would allow [graduate students and postdoctoral researchers to use fellowships and stipends to save for retirement](#). There's also talk of it including [H.R. 795 in the bill](#), a loan repayment expansion that allows employers to help pay off the student loans of employees. The Congressional Budget Office (CBO) estimated that, over the next ten years, [the bill would cost approximately \\$55 billion](#).

Higher Education Act Reauthorization (Aim Higher Act, H.R. 6543)

There's significant discussion whether HEA will be authorized in the next Congress. [Some have dismissed the possibility](#), pointing instead to the need for Democrats to concentrate their focus on the proposed rule changes coming out of the ED, most notably Title IX. However, there are signs that there's a strong possibility. The new chairman of the House education committee, [Rep. Bobby Scott \(D-VA\), has said a bipartisan reauthorization of HEA is a top priority](#), and [Senate chairman Lamar Alexander \(R-TN\) has said the same thing](#). Together with minorities leaders, Rep. Virginia Foxx (R-VA) and Sen. Patty Murray (D-WA), these four leaders have a track record of passing bipartisan legislation; [they passed the Every Student Succeeds Act in 2015, and agree in several areas](#). And historically, [every reauthorization of HEA has happened under divided governance](#), so we shouldn't discount the possibility just yet. Even now, [Aim Higher continues to garner support \(currently with 77 co-sponsors, all Democrats\)](#), though notably, [it does not include any measures to change campus sexual assault policies](#).

MIDTERM ELECTIONS - The Aftermath

[The final numbers for the next session of Congress is in](#), with the Republicans having a 6-person majority in the Senate (53%) and the Democrats having a 35-person majority in the House (54%). [The Senate leadership has been decided](#), along with [several positions within the House](#) and the [House Calendar](#) (which is [more family-friendly than previous legislative calendars](#)). While the Speaker position is still in contest, [Rep. Nancy Pelosi \(D-CA\) continues to gain support and was officially nominated for the position](#).

Several items appear to be on the new Congress's agenda, [including raising corporate taxes](#) and [reigning in the Department of Education and Secretary DeVos](#). The leaders of Five House committees have, at different times, [voiced significant concerns over the ED's management](#), from the public service loan forgiveness program to protections for students for predatory loan companies and educational institutions.

Meanwhile, as the new Congress prepares to take office, the current Congress is trying to wrap up several items during the lame duck session. Senate Majority Leader Mitch McConnell (OKY) is trying to confirm several judicial nominees, and several senators are refusing until certain demands are met, including [protection for special counsel Robert Mueller](#) from Sen. Jeff Flake (R-Ariz.) and a [briefing from the CIA on whether the Saudi Crown Prince ordered the killing of Jamal Khashoggi](#) from Sen. Lindsey Graham (R-SC). There's growing concern among Republicans that [they aren't accomplishing enough during the lame duck session](#), given that they will lose control in the House in January.

IN RELATED NEWS...

RELEVANT READS

[Why graduate students should get involved in advocacy](#) (Nature)

[Graduate School Can Have Terrible Effects on People's Mental Health](#)

[How Academe Can Retrieve Its Good Name](#)

[What the DeVos Title IX Rule Means for Misconduct Off Campus](#)

[Title IX doesn't cover emotional abuse. What happens when student organizations are left to manage it on their own?](#)

[Call to Expand Federal Aid for Career Education](#)

[The Importance of Mentorships in Higher Education](#)

REPORTS AND PRESENTATIONS

[CBO's 10-Year Budget and Economic Projections](#): Presentation by Jeffrey F. Werling, Assistant Director of CBO's Macroeconomic Analysis Division, to the National Association of Forensic Economics, at the Southern Economic Association Annual Meetings, November 18, 2018.

[Fourth Annual Climate Assessment. Volume II: Impacts, Risks, and Adaptation in the United States, National Climate Assessment \(NCA\)](#): The National Climate Assessment (NCA) assesses the science of climate change and variability and its impacts across the United States, now and throughout this century.

[Quarterly Report on Household Debt and Credit, Federal Reserve Bank of New York](#): Outstanding student loan debt increased by \$37 billion in the third quarter, and stood at \$1.44 trillion as of September 30, 2018. 11.5% of aggregate student debt was 90+ days delinquent or in default in 2018Q3, a substantial increase from the prior quarter.

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.