

THE NATIONAL ASSOCIATION OF  
GRADUATE-PROFESSIONAL STUDENTS

# Legislative Letters

April 15, 2019

## Updates in Higher Education



Image Credit: Kaylynne Glover, "The Capitol"

Both the House and the Senate education committees held hearings addressing everything from the proposed changes to Title IX, the upcoming reauthorization of HEA, and the Department of Education's failings to forgive student loans, under Borrower Defense or the Public Service Loan Forgiveness (PSLF) programs. Meanwhile, a coalition has formed to fight sexual harassment in the academy, and it's being led by the National Academies, with over 40 higher education organizations joining in. And there's movement on the spending bills: the House Budget Committee has passed legislation that raises the spending caps, and appropriators are scheduling their markup meetings. Be sure to contact your legislators and let them know: **We are not a bargaining chip** (see our [Call to Action](#)).

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

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be a part of the Legislative Concerns Committee, please contact the Director of Legislative Affairs, Kaylynne Glover, at [legislative@nagps.org](mailto:legislative@nagps.org).

# THE EXECUTIVE BRANCH

## DEPARTMENT OF EDUCATION

### **Borrower Defense to Repayment**

New data has revealed that the [Department of Education \(DE\) failed to resolve any student loan fraud claims during the last 6 months of 2018](#). As a result, the number of claims ballooned during that time by around 50%, with an [additional 158,000 claims being added](#). A DE spokesperson attributed the lack of movement on the of approximate 158,000 claims to the ongoing litigation over Borrower Defense to Repayment regulations.

### **Public Service Loan Forgiveness**

Even though Congress has allocated a total of \$700 million to help the over 8,000 (of nearly 10,000) denied applicants for the public service loan forgiveness program to reapply, [most of those who have done so have been denied a second time](#). Only 262 of the new applications have been approved.

### **Student Loans**

The DE has continued to refuse to cooperate with several states attempting to collect student loan information, information that they are using to pursue legal action against student loan companies. The attorneys general of 20 states and the District of Columbia [have written a letter to the DE asking Secretary DeVos to reverse her decision](#) that prevents the DE from giving state law enforcement authorities that information. The DE has stated that their refusal comes due to the important duty the federal government has to control and regulate student loans.

The mismanagement of student loans is has senators looking to the Consumer Financial Protection Bureau (CFPB). A group of six [wrote a letter to the agency](#) expressing concern over their lack of oversight over student loan providers.

### **College Accreditations**

[The negotiated rulemaking committee](#) tasked with rewriting federal higher education accreditation rules (on which NAGPS's own Joe Verardo has been serving!) [has reached an agreement after months of negotiations](#). The new regulatory language is not yet available, but once released, they [will be open for public comment again](#).

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## Affirmative Action

[Texas Tech University's medical school has agreed to stop considering race and national origin](#) in its admissions process, as part of an agreement with the Department of Education after a 14 year-long probe into the school's policies.

# THE LEGISLATIVE BRANCH

## LEGISLATION

### Appropriations

While the Budget Committees continue to work on their budget resolution, they passed [a bill \(Investing for the People Act of 2019, HR 2021\)](#) to increase the discretionary spending caps by \$358 billion ([setting the total at \\$1.295 trillion](#)). The [Committee for Education Funding has drafted a letter](#) in support of the act. The Committee for a Responsible Federal Budget is estimating that this would ultimately expand the deficits by [approximately \\$2 trillion dollars over the next decade](#). While it passed committee, it may not pass the House floor, as it has no bipartisan support thus far. [Read more about the bill here](#).

Meanwhile, appropriations committees are beginning to plan their markup sessions. The House's Appropriations subcommittee responsible for education (Labor-HHS-Education) is expected to [begin its markup on April 30th, with the full committee coming on board May 8th](#). This is a critical moment for education funding: [Let your Congress members know that graduate education is a critical investment that cannot be ignored or neglected](#). #5cents4edfunding, #SaveStudentAid #RaiseTheCaps

### Higher Education Act

Rep. Virginia Foxx (R-NC), the House Education and Labor ranking member, [gave an interview](#) to POLITICO Pro to discuss education policy. In it, she defended Secretary DeVos, described the Public Service Loan Forgiveness program as a “socialist plank,” and referred to the PROSPER Act as her “ideal situation” for education.

### Other Higher Education Legislation

Senators Kirsten Gillibrand (D-NY) and Tim Kaine (D-VA) is [proposing legislation that would overhaul the Public Service Loan Forgiveness program](#) (the *What You Can Do for Your Country Act of 2019*). It would simplify the process of certifying public service employment, allow partial repayment after five years, and would allow all borrowers of all types of federal student loans to be eligible. So far, [no](#)

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[Republicans have signed on to this bill](#), though there is bipartisan support for the program as a whole. Therefore, PSLF isn't likely to be scrapped in the upcoming HEA reauthorization.

## Sexual Misconduct

The [Combating Sexual Harassment in Science Act of 2019](#) has been introduced in the Senate, it's companion bill in the House ([HR 36](#)) having been released earlier this year by House Science Committee Chairwoman Eddie Bernice Johnson (D-TX). Championed by Senators Kamala Harris (D-CA), Richard Blumenthal (D-CT), and Jacky Rosen (D-VA), it aims to better understand and prevent sexual harassment in the STEM workforce.

## HEARINGS

The Senate HELP Committee held its [second hearing on HEA](#), this one focusing on campus safety and sexual assault. Democrats focused on the harm that the DE's proposed regulations would cause to victims of misconduct, while Republicans were more concerned with providing rules that provide clear guidance. Some of the most controversial items in the proposal include the right of the accused to cross-examine their accuser, which locations would be covered under Title IX, and the redefinition of sexual harassment. [Read more about the hearing here.](#)

Both the [House](#) and the [Senate](#) education committees held hearings on [accountability issues](#). The Senate hearing focused on the "accountability triad," or accreditors, state governments, and federal governments, and the impact of poor accountability particularly on low-income and disadvantaged students. The House hearing brought Secretary DeVos in for the first time since Democrats took control, and much of the hearing centered on the department's handling of the borrower defense regulations. [Secretary DeVos blamed Congress](#) for setting program parameters that make it difficult for borrowers to qualify. In this same hearing, she also admitted to being aware of how her rolling back [Title IX protections for transgender students](#) would impact their well-being, impacts that included increased rates of depression, anxiety, and attempted suicide.

# IN RELATED NEWS...

## CAMPUS CLIMATE

A coalition of higher education organizations has formed to combat sexual harassment. The [Action Collaborative on Preventing Sexual Harassment in Higher Education](#) is being led by the National Academies of Sciences, Engineering and Medicine and has been joined by over 40 academic and higher education institutions. The formation of the collaborative follows a [2018 report of sexual harassment in academia](#) that more than half of female faculty in science fields experience sexual harassment, and between 20 and 50 percent of students do. The group's primary goals include (1) raising awareness about sexual harassment, (2) encourage the implementation of policies to reduce its prevalence, (3) improve research communication across institutions, and (3) developing a standard

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for measuring and reducing sexual harassment in higher education. **We encourage you to contact your University administrators and ask them to join this coalition, if they have not already.**

## RELEVANT READS

[Women in higher education encounter inhospitable environment](#)

[How to keep promising low-income and first-gen college students from dropping out](#)

[Colleges should be held accountable for student outcomes, administrators say](#)

[Repeat Rapists on Campus](#)

[Graduate teaching assistants balance tight schedules with early preparation](#)

[Vulture Capitalism and the Future of Higher Education](#)

[Work, school balance important for graduate students](#)

[Stress, emotional disorders common in graduate school](#)

### News From You

[Graduate and teaching assistants decry plan to increase fees at Stony Brook](#)

[A key labor moment arrives at the University of Pittsburgh. Will grad assistants vote to join a union?](#)

[Graduate Student Advisory Board Focused on Giving a Voice to Graduate Community](#)

[UMD's grad school may hire adviser to help students with health issues, leaves of absence](#)

[Missouri Lawmakers Look to Codify the Idea That 'Survivors Lie'](#)

## REPORTS AND PRESENTATIONS

[Examining Grad PLUS: Value and Cost, AccessLex](#). This report, the first in a two-part series, uses federal data to show that the primary criticisms of the Grad PLUS program—rising institutional education costs and potential cost to the federal government—are either nonexistent or massively overblown.

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[Monthly Budget Review for March 2019, CBO.](#) The federal budget deficit was \$693 billion for the first half of fiscal year 2019, CBO estimates, \$94 billion more than the deficit recorded during the same period last year.

[2018-19 Faculty Compensation Survey Results, AAUP.](#) For our annual Faculty Compensation Survey, the AAUP collected data from more than 950 colleges and universities across the US, including community colleges, small liberal arts colleges, and major research universities. The 2018-19 data cover more than 380,000 full-time faculty members, and also include salaries for senior administrators and pay for part-time faculty members. On average, salaries for full-time faculty members at US colleges and universities are 2 percent higher in 2018-19 than they were in the preceding academic year. But with prices in the economy as a whole growing by 1.9 percent during the year, faculty salaries barely budged when adjusted for inflation. This is the third successive year that increases in average full-time faculty salaries have barely outpaced inflation.

[The 2019 Budget and Economic Outlook, CBO.](#) In CBO's projections, the federal budget deficit is about \$900 billion in 2019 and exceeds \$1 trillion each year beginning in 2022. Over the coming decade, deficits (after adjustments to exclude shifts in the timing of certain payments) fluctuate between 4.1 percent and 4.7 percent of gross domestic product (GDP), well above the average over the past 50 years. CBO's projection of the deficit for 2019 is now \$75 billion less—and its projection of the cumulative deficit over the 2019–2028 period, \$1.2 trillion less—than it was in spring 2018. That reduction in projected deficits results primarily from legislative changes—most notably, a decrease in emergency spending.

[Chasm In The Classroom: Campus Free Speech in a Divided America, PEN America.](#) An increase in hate crimes, political polarization, and heightened racial tensions have created new challenges for free speech and inclusion on campus. In *Chasm in the Classroom: Campus Free Speech in a Divided America*, PEN America analyzes recent trends including the rise of hateful speech and incidents of bigotry on campus; shutdowns and disinvitations of controversial speakers; outrage campaigns against faculty members for their speech; the mixed views of a new generation of students on issues of free speech and hate speech; and the perils and pitfalls of federal and state legislative measures purportedly aiming to protect free speech in polarized campus environments. The report also lays out our concerns about attempts to limit the space for open debate and free expression on college campuses. Finally, the report features PEN America's Principles on Campus Free Speech, updated for 2019 and offering cogent guidelines for students, faculty, and administrators on how to navigate fraught speech-related controversies in ways that ensure a robust defense of free speech while advancing diversity and inclusion (from the [Executive Summary](#)).

[H-1B Denial Rates: Past and Present, National Foundation for American Policy.](#) Denial rates for H-1B petitions have increased significantly, rising from 6% in FY 2015 to 32% in the first quarter of FY 2019 for new H-1B petitions for initial employment, according to a National Foundation for American Policy (NFAP) analysis of U.S. Citizenship and Immigration Services (USCIS) data. Between FY 2015 and FY 2018 the denial rate for new H-1B petitions quadrupled from 6% to 24%. To put this in perspective, between FY 2010 and FY 2015, the denial rate for initial H-1B petitions never exceeded 8%, while today the rate is 3 or 4 times higher.

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## FEEDBACK FOR LEGISLATIVE LETTERS

We'd love your feedback on our *Letter*, so please follow [this link](#) to fill out a quick survey so that we can best meet your needs.