

THE NATIONAL ASSOCIATION OF  
GRADUATE-PROFESSIONAL STUDENTS

# Legislative Letters

July 8, 2019

[Subscribe](#)

## Updates in Higher Education



Image Credit: Kaylynne Glover, "The Capitol"

The Senate has stopped waiting. They've begun negotiating their spending bills, while the House is almost done (only two left to go!). But time is running out, and the Senate is in a crunch. Meanwhile, the Senate HELP has formed a working group to hammer out one final HEA issue - how campuses respond to sexual assault allegations - while other legislators propose more bills to help students. These include letting students declare bankruptcy on their student loans, requiring private institutions that discriminate against LGBTQ persons to publicly disclose that to potential students and - thankfully - creating a commission on mental health for students. President Trump, while away for the G20, expressed that he wants more international students to come, study, and stay in the US, saying that there should be a "smart person waiver" for visas. However, in large part due to the Trump administration's immigration policies, international student numbers continue to drop, and academic programs are beginning to close. This - and more - in our

***One-Year Anniversary Edition of Legislative Letters!***

Kaylynne Glover, NAGPS Director of Legislative Affairs, [legislative@nagps.org](mailto:legislative@nagps.org)

# THE EXECUTIVE BRANCH

## DEPARTMENT OF EDUCATION

### Gainful Employment Regulations

The Department of Education [officially repealed the Obama-era “gainful employment” regulation](#) that held institutions of higher education responsible for ensuring that their degrees led to gainful employment. The repeal comes as a “final regulation”, the last step of internal rulemaking that federal agencies must go through to change regulations without legislation or litigation. The previous panel convened for this issue [failed to come to an agreement](#). The repeal will allow federal student aid to go to institutions that would otherwise have been ineligible and is expected to cost the government \$6.2 billion over the next 10 years. The repeal will officially go into effect July of 2020, but the administration is authorizing “early implementation” and allowing institutions to be free of the regulation immediately. [The American Council of Education opposes the move.](#)

## THE WHITE HOUSE AND OTHER AGENCIES

### Staff Changes

As positions become filled in the White House, more open up. The Acting Commissioner for the Customs and Border Protection Agency, John Sanders, has [announced his resignation effective July 5th](#) amid outcry over the border situation. He is expected to be replaced by the current leader of Immigration and Customs Enforcement (ICE) and outspoken proponent of Trump’s immigration policies, Mark Morgan, who took the job a couple of months ago.

Stephanie Grisham, Melania Trump’s director of communications, is accepting the job for President Trump’s third [White House Press Secretary, replacing Sarah Sanders](#). And while President Trump is outwardly critical of his acting chief of staff, [it’s unlikely that he will be replaced](#), as finding a fourth person to fill that role would be difficult.

## IMMIGRATION AND INTERNATIONAL STUDENT CONCERNS

As international student enrollment continues to drop, [institutions of higher education are facing budget shortfalls](#), and academic programs that rely on international students are becoming unsustainable and are closing. International students are choosing to attend institutions at countries with more accepting immigration policies.

Meanwhile, President Trump, while at the G20 summit in Japan, emphasizes how much he wants more international students to come to the US, stating that [there should be a “smart person’s waiver”](#) on visas.

## HIGHER EDUCATION AND 2020 PRESIDENTIAL CANDIDATES

Higher education, and particularly student loans, continue to be a hot topic for the 2020 Presidential race. [Many candidates are proposing various debt relief plans \(for a breakdown of positions, check out Inside Higher Ed\)](#). Some of the [most ambitious plans](#) include those of Senator Bernie Sanders (I-VT), who is proposing cancelling all \$1.6 trillion in student loan debt, and Senator Elizabeth Warren (D-MA), advocating for universal free college and cancelling student loan debt up to \$50,000. Senator Warren also proposes signing executive orders on the racial and gender pay gap. These proposals have stirred many responses, including an [“early assessment” of the Sanders and Warren plans by Forbes, the CEO of JPMorgan, alternative proposals to debt cancellation of any kind](#).

Unfortunately, [higher education has become a partisan issue](#), leading to the lack of financial support for colleges and universities, skepticism regarding research, and general disregard for the academy, as evidenced, in part, by the [criticism Senator Warren faces as a college professor](#).

# THE LEGISLATIVE BRANCH

## LEGISLATION

### Spending Caps

No movement on the spending caps agreement. In response to the Congressional Budget Office (CBO) release of its long-term budget outlook (see reports), the [Committee for a Responsible Federal Budget \(CRFB\) has released their own statement](#): “If current tax cuts and spending increases are extended, debt will nearly triple in 30 years.”

### Appropriations

The House has now passed 10 of the 12 spending bills for the year, including Agriculture, Commerce-Justice-Science, Interior and Environment, Military Construction-VA, and Transportation-HUD. The last two - Homeland Security and Legislative Branch - will wait until the recess. For more information on these bills, check out the CRFB’s [Appropriation Watch](#).

Meanwhile, the Senate, having been waiting for guidelines from the Budget committees, are now in a serious time crunch. Taking a page from the House, [they’ve begun to move forward with negotiations](#) on the appropriations bills without the top-line numbers. But they’re far behind: They only have one month before a five-week recess in August.

## Education Legislation

The Senate HELP continue to work on the Higher Education Act reauthorization, and they have one final hurdle: [agreeing on how institutions should respond to allegations of sexual assault](#). A working group has been formed, comprised of Chairman Lamar Alexander (R-TN), Vice Chair Patty Murray (D-WA), Tim Scott (R-SC), Susan Collins (R-ME), Richard Burr (R-NC), Maggie Hassan (D-NH), and Tammy Baldwin (D-WI). The topic is not only highly controversial, but the Department of Education's own changes to Title IX make negotiations that much more complicated.

Meanwhile, education-related legislation continues to be introduced as legislators signal messages about their priorities, mostly centering around the student loan crisis. Other bills, however, address other major concerns, including discrimination against the LGBTQ community and mental health.

Those with student loans are not eligible for relief from them under bankruptcy, unlike consumer debt. Rep. Jerrold Nadler (D-NY) and Rep. John Katko (R-NY) and Sen. Richard Durbin (D-IL) and Sen. Elizabeth Warren (D-MA) have introduced legislation that would change that. [The Student Borrower Bankruptcy Relief Act](#) would remove restrictions put in place between 1976 and 1998 based on a lack of evidence that student loans cause "undue hardship."

[Income-share agreements](#) are being presented as another solution to student loan debt. These agreements would allow a contractor to pay for some or all of tuition, and in exchange, the student would be obligated to work for them for a set period of time once they graduate, repaying a portion of that tuition. A group of 20 organizations are advocating for Congress to make this type of agreement possible on a large scale (some schools have implemented their own plans), with wide support from Republicans and the Trump administration. Democrats, however, express concern that it may lead to predatory and abusive behavior.

The [Exposing Discrimination in Higher Education Act of 2019](#) aims to ensure that private religious institutions receiving federal funds disclose discriminatory policies, specifically those toward the LGBTQ community, clearly to prospective students. Sponsored by Rep. Katherine Clark (D-MA), Rep. Chris Pappas (D-NH), and Rep. Sharice Davids (D-KS), these institutions would apply for a waiver through the Department of Education and then display that waiver on their website.

A bipartisan legislation has been introduced in both chambers to address the mental health concerns of students on college campuses. [The Higher Education Mental Health Act of 2019](#) is sponsored by Reps. David Trone (D-MD), Susan Wild (D-PA), John Joyce (R-PA), Donna Shalala (D-FL), and Brian Fitzpatrick (R-PA) and by Sen. Bob Casey (D-PA) and would create a national commission to study and report on the mental health of students and include recommendations.

## Employment Legislation

A bicameral piece of legislation has been introduced that would guarantee all public servants the right to bargain collectively and join unions. Sponsored and co-sponsored by nearly 50 legislators, The [Public Service Freedom to Negotiate Act](#) seeks to push back on the [Supreme Court's decision on Janus v. AFSCME](#) that nonunion workers couldn't be forced to pay union fees, even if they benefit from their work.

# THE JUDICIAL BRANCH

## THE SUPREME COURT

The Supreme Court has ruled to block the Trump Administration's efforts to put a citizenship question on the 2020 census, stating that the rationale the administration was using to justify it did not align with the evidence they presented. However, the fight may not be over: the Justice Department is reportedly reviewing "all available options" to add the question, and [President Trump is considering using an executive order](#).

## LITIGATION

### Optional Practical Training Lawsuit

A U.S. district court judge has ruled that a [lawsuit being filed by American tech workers against the optional practical training \(OPT\) program could go forward](#). The OPT program allows recent international graduates to continue to stay in the U.S. and work. The American workers argue that the government never had the authority to create this program and believe that international graduates are taking American jobs.

### Student Loan Companies Avoiding State Regulations

The Seventh Circuit court ruled that [student loan companies are liable if they promise to help distressed student loan borrowers and yet steer them into payment plans that benefit the lenders, not the students](#). The ruling pushes back on the [Department of Education's attempts to avoid state regulations](#) and ruled that Great Lakes Educational Loan Services violated Illinois' consumer fraud laws.

### Borrower Defense Lawsuit

The Department of Education has allowed a backlog of borrower defense applications to accumulate, not reviewing a single case in over a year, citing "pending litigation" as the excuse for their delay, litigation that is in appeals. As a result, a group of former for-profit students, on behalf of all borrowers with pending claims, [is filing suit against the department](#).

### Title IX Due Process at Private Institutions

Historically, due process has only been required of public institutions, but in a recent lawsuit regarding sexual assault, [that may change](#). A former football player at Rhodes College was accused of raping a female student at a party, and the college determined he was responsible and expelled him. The student sued the school because he was not allowed to cross-examine his accuser, and a judge has ruled that his expulsion cannot be affected yet. The ruling is highly controversial: (1) cross-examination of an accuser is not clearly established under due process as outlined under the

14th amendment, and (2) requiring that private institutions follow due process has significant and wide-ranging implications for these institutions.

# IN RELATED NEWS...

## CAMPUS CLIMATE

The Anti-Defamation League has released a report: [White supremacy activity is rising on college campuses](#). Colleges and universities are often viewed as pushing progressive ideals on young adults, and this uptick, starting in 2016, seems to be targeted to push back on this. Led largely by white nationalists who are unaffiliated with the institutions and often associated with the American Identity Movement, they are seeking recruitment as they advocate for positions that emphasize “white culture” and nationalism.

Meanwhile, efforts continue to fight against practices and attitudes in higher education that promote [sexul harassment and discrimination](#). The National Academies has created an [Action Collaborative on Preventing Sexual Harassment in Higher Education](#), made up of representatives of institutions and education associations, to develop strategies to fight toxic behavior. Four members of the National Association of Graduate-Professional Students - Social Justice Director, JD DiLoretto-Hill; Director of Legislative Affairs, Kaylynne Glover; Director of Employment Concerns, Jon Bomar; and Director of External Affairs, Kristofferson Culmer - are serving on each of the four working groups, efforts that will continue for four years with new board members.

In addition to efforts such as those at the National Academies, some institutions are implementing their own policies. UC Davis is the most recent to implement a policy on faculty reference checks aimed at [ending “pass the harasser” practices](#), ensuring that “substantiated misconduct findings” at other institutions are disclosed in reference checks.

## RELEVANT READS

### **Diversity, Inclusion, and Social Justice**

[Academic Minute: Students With Disabilities](#)

[Academic Minute: Food Insecurity](#)

[Slow Going on Faculty Diversity](#)

[What Happens When Women Run Colleges?](#)

[Maine Voices: Time for public higher education to walk the walk on equal pay](#)

[Navigating Gender Identity and Expression During a Job Search](#)

[MIT Leader Warns of 'Toxic Atmosphere' for Chinese Researchers](#)

[Human Rights Discourse and Refugee Higher Education](#)

[Financial Emergencies Can Be Catastrophic for Low-Income Students. A Start-Up Wants to Help](#)

[Queer and Coping at Conservative Institutions: Pride in Higher Education](#)

[Illinois governor signs order to protect transgender students](#)



[Waiting for Work Authorization](#)  
[Disadvantaged Students And Higher Education](#)  
[The Persisting 'Rape Culture' on Campuses](#)

### **Career Advice**

[Lecture Capture Reduces Attendance, but Students Value It](#)  
[Let the Professors Run the University](#)  
[3 Ways to Transform a Lecture Class](#)  
[What's Wrong With Higher Education? A Lack of Purpose](#)  
[6 Strategies for Navigating Leadership Transitions](#)  
[The Relentless Pace of Alt-Ac Careers](#)  
[#betterposter](#)  
[Mandatory Financial Literacy Courses?](#)  
[Marketing Authenticity in Higher Education](#)  
[Not All Studies Are Created Equal: A Reader's Guide](#)

### **Grad Student Rights**

[UT's graduate students deserve summer support](#)  
[Cambridge's one-on-one teaching model is based on exploiting graduates](#)  
[Iowa Governor Accused of Suppressing Student Vote](#)  
[The Need for Outside Jobs in Grad School](#)

### **Higher Education Policy**

[Gates launches lobbying arm – higher education on agenda](#)  
[Bill Gates, Please Stay Away from Higher Education](#)  
[Shocking' Cut May Force Layoffs for Alaska's Universities](#)  
[State Funding for Students' Basic Needs](#)  
[We Need a 'Communiversi'ty' Model of Public Education](#)  
[Income-share agreement supporters lobby Congress](#)  
[Income Share Agreements – What University General Counsel Ought To Know](#)  
[EPA Advancing Transparency Rule as Science Board Pushes Back](#)

### **News From You**

## **REPORTS AND PRESENTATIONS**

[PhD Researchers in the Business Sector: Domestic and Foreign Employment and Industry-Level Characteristics of Domestic R&D, NSF](#). Research and development is performed globally by multinational enterprises (MNEs) and other businesses engaged in foreign investment or international trade. At the same time, R&D activities by MNEs based in high-income countries have been found to be more concentrated in the home country compared with other MNE activities (Belderbos, Leten, and Suzuki 2013). Even when firms increase the level or the geographic dispersion of foreign R&D, intellectual property may be easier to protect close to headquarters locations or the required skilled labor for some R&D activities may be more readily available in the home country. In 2016, U.S. MNEs employed 66.3% of their total workforce (28.0 million of 42.3 million workers) and performed 84.7% of their worldwide R&D (\$296.9 billion of \$350.3 billion) in the United States (BEA 2018). This InfoBrief presents new information on domestic versus foreign distribution of PhD researchers by U.S.-located

companies that is consistent with these observations. Data in this InfoBrief are based on business statistics published by the National Center for Science and Engineering Statistics (NCSES) within the National Science Foundation. The InfoBrief also presents related employment, sales, and R&D expenditures statistics at the industry level for domestic activities.[2] For demographic characteristics of U.S.-trained scientists and engineers with PhDs, see NSF/NCSES (2018).

[Dollars Rule Everything Around Me: College-Bound Students' Views on Paying for College, ACT.](#) Finding the funds to attend college often means that many students must acquire loan debt through financial aid. This confusing but critically necessary process can influence college planning and enrollment decisions, post-college employment, and other important life choices, such as enrolling in graduate school, buying a home, or getting married. There is a gap in financial literacy for students that must be fixed so they better understand the financial aid process and its implications.

[A Quality Education for Every Child: A New Agenda for Education Policy. Center for American Progress.](#) Between 2000 and 2017, the United States slipped from fifth to 10th among Organisation for Economic Cooperation and Development (OECD) countries in its rate of postsecondary degree attainment. America's 13-year-olds continue to languish in the middle of the pack internationally in math and science achievement. After some hopeful progress in the early 2000s, results on the National Assessment of Educational Progress (NAEP) have stagnated in both reading and math. Even more alarming, the nation continues to see the effect of systemic and structural barriers to opportunity for Black, Latinx, Native American, and some Asian American and Pacific Islander children, not to mention the ongoing segregation and isolation of students from families with low incomes who are locked into under-resourced schools. Additionally, it is clear that students with disabilities, students who identify as LGBTQ, and students who are English language learners continue to grapple with added barriers to accessing a quality education.

[Federal Investment, 1962 to 2018](#), CBO. In 2018, the federal government spent \$492 billion on investment—for physical capital, education and training, and research and development—which represented 12 percent of federal spending and 2 percent of GDP.

[How Income Growth Affects Tax Revenues in CBO's Long-Term Budget Projections](#), CBO. CBO projects that federal revenues will increase by 3 percent of GDP over the next 30 years. Real bracket creep—when people's income rises faster than the tax brackets and other elements of the tax system—accounts for about half of that increase.

[Director's Statement on The 2019 Long-Term Budget Outlook](#), CBO. Today, CBO released The 2019 Long-Term Budget Outlook. In that report, we present what we call our extended baseline projections—which are projections of federal spending, revenues, deficits, and debt for the next 30 years under a set of standard assumptions. Those assumptions are that current laws generally do not change but also that Social Security and Medicare benefits are paid in full even if there are insufficient resources in the trust funds associated with each program.

[The 2019 Long-Term Budget Outlook](#), CBO. If current laws generally remained unchanged, large budget deficits would boost federal debt to unprecedented levels over the next 30 years, CBO projects.

*Want to let us know how we can improve? [Give us feedback!](#)*