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Legislative Letters

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Updates in Higher Education

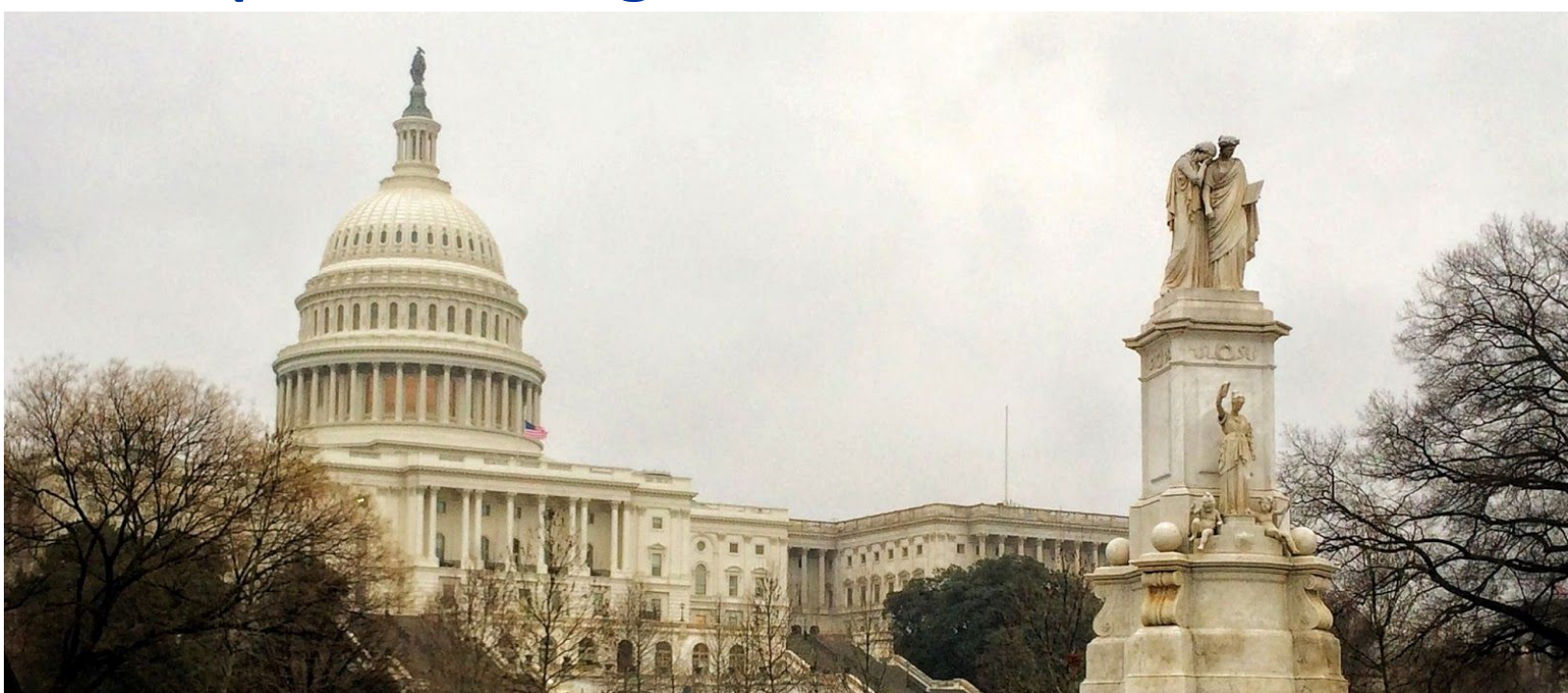


Image Credit: Kaylynne Glover, "The Capitol"

The President has signed the spending cap deal, leaving Congress until October 1st to get all twelve appropriations bills (or continuing resolutions) on his desk or the government will shut down again. Meanwhile, several revealing reports have been released: The Department of Education is ignoring cases of LGBTQ discrimination, there might be fraud in applications for income-based repayment applications, and policies governing the composition of the EPA's advisory panels are shutting out academics - more evidence that the Administration is burying science, as the OSTP Director was accused of in a hearing. Both Senators Sanders and Warren have released debt-relief legislation that mirrors their political platforms, and Senator Harris legislation addressing food insecurity. Importantly, the Combating Sexual Harassment in Science Act of 2019 has passed the House and now sits in the Senate HELP Committee. Where it goes from there - we will have to see. Check out this edition of *Legislative Letters*, and don't forget to register for [this fall's Advocacy Summit and Legislative Action Days!](#)

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THE EXECUTIVE BRANCH

DEPARTMENT OF EDUCATION

Department of Education Ignoring LGBTQ Discrimination

In the last edition of Legislative Letters, we reported that the Department of Education (ED) was touting a rate of resolving [civil rights claims](#) that exceeded the rate under President Obama's by double. Critics pointed out that this was largely due to their being quick to dismiss a case without investigating them.

A [new report has been released by the Center for American Progress](#) that supports the critical view and indicates that the [ED is failing to respond to LGBTQ discrimination complaints](#). Under President Obama, the ED agreed to correct 22.4% of LGBTQ-related complaints, but under the current administration, has agreed only to 2.4%.

Potential Fraud in Loan Repayment Applications

A [report by the Government Accountability Office \(GAO\)](#) found that there were "indicators of potential fraud" in the applications of some applying for income-based repayment plans, and recommended that the ED verifies income information for applicants, [a recommendation the ED plans to implement](#).

THE WHITE HOUSE AND OTHER AGENCIES

NASA Addresses Sexual Misconduct

The [National Aeronautics and Space Administration \(NASA\) has released a rule-change](#) that would bolster the requirements for institutions receiving NASA funds regarding reporting efforts to eliminate sexual misconduct. The guidelines are designed to ensure freedom from and appropriate and prompt responses to harassment and sexual misconduct. The comment period closes on August 16th.

The Federal Reserve

The Federal Reserve System, the central banking system, has stated that it will [cut interest rates for the first time in over a decade](#), a cut in response to the 2008 financial crisis. Since 2015, the Fed has increased interest rates as the economy has rebounded. Interest rate cuts reduce borrowing costs, and this decision to cut is in response to growing concerns over long-term economic stability as business investment has declined and amid trade tension. Fed Chairman Jerome Powell indicated that President Trump's trade policies "seem to be having a significant effect on financial market conditions and the economy." President Trump has been pressuring the Fed to cut interest rates for months but expressed disappointment that the announced cut wasn't large enough.

HIGHER EDUCATION AND PRESIDENTIAL CANDIDATES

The second round of Democratic Presidential debates has finished, and student loan debt continues to be a major talking point. [Nearly all candidates have their own opinions in solving the crisis, and you can read more about their proposals here.](#)

THE LEGISLATIVE BRANCH

LEGISLATION

Spending Caps

The deal to lift the spending caps has [passed both the House and the Senate](#), just in time for the five-week August recess, and President Trump has signed it into law. The bill will lift the caps for the next two years and will add \$320 billion over that time (and \$1.7 trillion over the next 10 years). The president of the Committee for a Responsible Federal Budget (CRFB) has stated that this bill “[may end up being the worst budget agreement in our nation’s history.](#)”

The Committee for Education Funding outlined details of the deal. It raises the caps on discretionary spending both defense and nondefense (NDD) for the fiscal years 2020 and 2021, and it suspends the debt ceiling until July of 2021 (meaning the ceiling will need to be renegotiated). The levels for NDD are higher than 2019 funding, but is lower than what the House had approved earlier this year (meaning they will need to re-do their appropriations bills).

Appropriations

The [Senate is working on dividing the budgeted funds](#) among the twelve spending bills which will be the responsibility of the twelve subcommittees once Congress returns from recess, bills they’ll need to have hammered out before October 1st to avoid a shutdown. Senate Appropriations Committee Chair Richard Shelby (R-AL) has indicated that he will likely package Defense and Education appropriations bill, a move that was successful last year and will likely be signed into law without facing much opposition.

The House has already passed it’s appropriations legislation, but it will now have to go back and [revise the bills to match the levels dictated by the spending caps.](#)

Both chambers are expecting - but certainly not hoping for - a [fight over funding for President Trump’s border wall](#), which would be funded through the Department of Homeland Security. President Trump refused to sign the funding levels approved by Congress last year because it didn’t provide enough for his border wall, resulting in the longest government shutdown this past winter. Members of Congress have expressed concern that another shutdown is unavoidable.

Education Legislation

More student loan debt legislation continues to be introduced. Senator Bernie Sanders (D-VT) and Rep. Ilhan Omar (D-MN) have introduced the [Student Debt Cancellation Act of 2019](#) (HR. 3448) would cancel all student loans taken out since 1965 within 180 days of it's passage and would allow the ED to purchase and cancel private loans as well.

In contrast, Senator Elizabeth Warren (D-MA) and House Majority Whip Rep. James E. Clyburn (D-SC) have introduced their own legislation, targeting loan forgiveness for low-income earners. [The Student Loan Debt Relief Act](#) would forgive \$50,000 of student loan debt for borrowers who make less than \$100,000 and proportionally less for those earning less than \$250,000. This would provide relief to 95% of student borrowers, and cancel debt for 75%.

Other legislation seeks to address provide relief to students while in school. Senator Kamala D. Harris (D-CA) introduced the [Basic Assistance for Students in College \(BASIC\) Act](#) is in response to a recent GAO report that indicates more than 30% of students face food insecurity, particularly historically black colleges and universities (HBCUs) in food deserts. This legislation would produce a grant program for institutions to meet students' basic needs, prioritizing institutions with high levels of food insecurity, and would require coordination between the ED and the Departments of Agriculture, Housing, & Urban Development and Health & Human Services to share data and coordinate efforts.

Senator Dick Durbin (D-IL) introduced legislation - the [Know Before You Owe Private Education Loan Act of 2019](#) (S. 2084) - that would require institutions to provide financial counseling for students before they are allowed to take out private loans.

Rep. Eddie Bernice Johnson's (D-TX) legislation, the [Combating Sexual Harassment in Science Act of 2019](#) (HR 36) has passed the House of Representatives and has been sent to the Senate Health, Education, Labor, and Pensions (HELP) Committee. This legislation would direct the National Science Foundation (NSF) to award grants to institutions that research and examine interventions for sexual and gender harassment in STEM fields.

As the first draft of the Higher Education Act (HEA) Reauthorization continues to be negotiated, the [American Enterprise Institute and Third Way released a report](#) created from a bipartisan working group that outlined both areas of alignment and disagreement on the policies central to the HEA reauthorization. The report indicated that both parties are concerned about the transparency of outcomes and non-completion, but that they differ in how to solve these problems.

Meanwhile, the College Affordability Coalition, a group of 25 organizations representing varied stakeholders, including The Center for American Progress, the Center for Disability Rights, and the Institute for Higher Education Policy, [has released a statement identifying principles](#) for the reauthorization that would ensure college affordability. In the statement, they specified three areas where investment is needed: "strengthening the Pell Grant program, renewing a federal-state partnership for college affordability, and creating a borrower-centered federal loan system."

HEARINGS

The Office of Science and Technology Policy Director, Kelvin Droegemeier, appeared before the House Appropriations Committee for the first time since his confirmation seven months ago. In the hearing, the Democrats claimed that, under the Trump Administration, there have been [deliberate efforts to bury science that conflicts with the administration's ideology](#), specifically that regarding climate change.

The House Science Committee held a hearing regarding [changes to the Environmental Protection Agency's \(EPA\) science advisory committees](#). The [GAO reported](#) that the composition of the EPA's two highest panels have shifted since 2017 after a new policy was implemented that resulted in fewer academics being eligible to serve. Chair of the Investigations and Oversight Committee, Rep. Mikie Sherill (D-NJ) said that the EPA is replacing qualified individuals with "climate deniers and unqualified individuals."

THE JUDICIAL BRANCH

LITIGATION

Debt Collecting Companies

The ED is removing several companies as contracted debt collectors, instead incorporating loan collection into their loan serving program. While this move has the support of several Democratic Senators, including Elizabeth Warren (MA) and Ranking Member of HELP Patty Murray (WA), the companies have attempted to block this plan. [But a U.S. Court of Federal Claims ruled against them.](#)

Rights of those Accused of On-Campus Violence

A class-action lawsuit against [Michigan State University](#) has been filed challenging campus violence cases that failed to offer due process for accused. Led by a male student who was suspended for two years after an alleged sexual assault claims that investigators were biased, he is asking for sanctions on accused students who were denied due process be reversed, potentially affecting dozens of sexual violence cases.

A male student, identified only as John Doe, of [Quinnipiac University](#) is suing the school for the destruction of hearing and investigation notes that were taken for two investigations into accusations of verbal and physical assault of two previous girlfriends. Doe claims that the university was biased against him in violation of Title IX. A judge has ruled that the lawsuit may continue, a ruling that centered primarily around the destruction of documents.

IN RELATED NEWS...

RELEVANT READS

Diversity, Inclusion, and Social Justice

[Professors Still More Likely Than Students to Be White](#)

[Social Mobility, Race, and Higher Education](#)

[The Overlooked Diversity Issue](#)

[Intersectionality in higher education research: a systematic literature review](#)

[International students flocking to Turkey for higher education](#)

[How Higher Education Can Atone for Its Long History of Racism](#)

[Another Case of Pass the Harasser](#)

[Becoming Full Professor While Black](#)

[This Journal's Future Is Female](#)

[Taking Trans Lives Seriously](#)

[Managing Microaggressions](#)

[Doing better for disadvantaged students](#)

[STEM Class Size and Women's Participation](#)

[The Problem With Diversity Questions](#)

[Role of Data in Promoting Diversity & Inclusion in Public Health Institutions of Higher Education](#)

[A Welcome Message, or a Warning? \(Chinese students\)](#)

Career Advice

[I took on \\$61000 of student loans for graduate school, but it turns out my most valuable career lessons cost a fraction that much](#)

[Setting Career Goals Can Help You Conquer Graduate School](#)

[Reimagining the Professional Meeting](#)

[Collaborative Work, Academic Training, and Alt-Ac Careers](#)

[Raising Your Profile on Campus](#)

[The Nuance of Note Taking](#)

[Navigating Your First U.S. Job Offer](#)

[Positive Uncertainty and the Strange Attractor \(chaos theory and its relevance to graduate student career development\)](#)

[Compilation: Removing Barriers to Student Success \(what our authors would do if they could revise requirements\)](#)

The State of Higher Education

[The Future of Higher Education and Industry](#)

[5 Top Challenges Facing Higher Education 2019](#)

[How to Help New Hires](#)

[Growing Proportion of Part-Time Faculty Portends Problems](#)

[Needed: Allies for Equitable Faculty Workloads](#)

[Professors Have Feelings, Too](#)

[How a Best Friend at Work Changes Engagement in Higher Ed](#)

Higher Education Policy

[Rising GOP Senator Takes Aim at Higher Ed and 'Elites'](#)

[Three Reasons We Need To Rethink Higher Education](#)

[Study: Cutting Federal Graduate Loans Would Harm Black Students, HBCUs](#)

[To End Student Debt, Tie Tuition to Post-Graduation Salaries](#)

[Students to Keep Pressing Congress for Higher Education Update](#)

[Fulfilling the Promise: A Postsecondary Education for Low-income Students and Workers](#)

[Proposal for Federal Income-Share Agreement Program](#)

REPORTS AND PRESENTATIONS

[Graduate School Completion: Race and Ethnicity in Higher Education, ACEI](#). Graduate completions nearly doubled between 1996 and 2016 as students responded to changing job requirements and large earnings advantages available to those with advanced degrees. Alongside international students, Black and Hispanic students each comprised a growing share of graduate completers over this span, but other racial and ethnic groups made little headway in graduate enrollments. Moreover, apart from Asian students, domestic students of color remain both overrepresented in the for-profit sector and underrepresented among STEM completers at all degree levels, limiting their access to lucrative career opportunities in rapidly expanding fields.

[Federal Student Loans: Education Needs to Verify Borrowers' Information for Income-Driven Repayment Plans, GAO](#). GAO identified indicators of potential fraud or error in income and family size information for borrowers with approved Income-Driven Repayment (IDR) plans. IDR plans base monthly payments on a borrower's income and family size, extend repayment periods from the standard 10 years to up to 25 years, and forgive remaining balances at the end of that period.

[Quicksand: Borrowers of Color & the Student Debt Crisis, CRL](#). Higher education has long been considered a pathway for advancement in our country. However, the playing field has not been level for low- and moderate-income families and people of color in their pursuit of a postsecondary education. Sadly, the resulting disparities in educational outcomes contribute to the persistent and growing racial wealth and income gaps. Nationwide, trends in the higher education landscape such as state disinvestment, rising college costs, the increasing necessity of college degrees in the labor market, and the loss of savings and other forms of wealth from the Great Recession have led us to a crossroads. Now, student debt threatens the well-being of an entire generation of students and their families.

[EPA Advisory Committees: Improvements Needed for the Member Appointment Process, GAO](#). EPA advisory committees play an important role by advising EPA on air quality standards, pesticide use, and other topics. EPA's process for selecting committee members calls for EPA staff to document their assessments of the best qualified and most appropriate candidates before recommending them. EPA generally followed its process for most committees we reviewed, but did not follow this key step for 2 committees that advise on environmental regulations. Also, EPA did not ensure that all appointees met ethics requirements. We recommended that EPA follow a key step in its appointment process and evaluate its financial disclosure review process.

[National Student Aid Profile: Overview of 2019 Federal Programs, NASFAA](#). NASFAA's National Student Aid Profile is an annual publication designed to give a high-level overview of the federal student financial aid programs that provide funding to millions of students each year.

[Bipartisan Budget Act of 2010, CBO](#). As posted on July 22, 2019

[CBO's Projections of Federal Receipts and Expenditures in the National Income and Product Accounts: 2019 to 2029, CBO](#). Federal receipts and expenditures in the national income and product accounts (NIPAs) differ in certain ways from revenues and outlays as shown in the federal budget. This report presents CBO's May 2019 baseline projections using the NIPA framework.

[H.R. 2528, STEM Opportunities Act of 2019, CBO](#). As ordered reported by the House Committee on Science, Space, and Technology on June 20, 2019

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