

THE NATIONAL ASSOCIATION OF
GRADUATE-PROFESSIONAL STUDENTS

Legislative Letters

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Updates in Higher Education



Image Credit: Kaylynne Glover, "The Capitol"

Even with the impeachment of President Trump in the Senate, both legislative chambers have introduced several higher education bills. Several Senators have expressed opposition to the NLRB's ruling that would bar graduate students from collective bargaining and unionization. Secretary DeVos is also still answering questions about new rules she plans on implementing for the Borrowers Defense, Gainful Employment, and Faith-Based College Federal Funding. In addition, President Trump may be expanding travel bans. There are reports on researchers' mental health and graduate student loan debt.

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THE EXECUTIVE BRANCH

DEPARTMENT OF EDUCATION

Borrower Defense to Repayment Program

In December, the Department of Education (ED) announced a new [method](#) for assessing claims that students who had been victims of predatory lending or academic programs went through in order to have loans forgiven. This plan shifts the burden of proof onto the victims to show that they were misled, which has caused opponents in the House and Senate to release resolutions ([H.J.Res.76](#) and [S.J.Res.56](#)) calling for these new regulations to be stopped before taking effect on July 1, 2020. The Office of Management and Budget has responded by [stating](#) that they disagree with the resolutions and that the students are still given a fair opportunity to have their debts relieved.

In addition, ED and Secretary Betsy DeVos are being sued for repealing the [Gainful Employment Rule](#) that has been a part of the Higher Education Act (HEA) since 1965. The HEA did not define “gainful employment,” until the Obama administration’s ED adopted the definition as requiring academic programs to lead to jobs with a high enough income to reasonably pay off student loans. However, in July 2019, the Trump administration [repealed](#) this rule; DeVos [claimed](#) that the Gainful Employment Rule penalized for-profit colleges unfairly. (She was previously [sued](#) by 16 states and the District of Columbia for ignoring the regulation.) The American Federation of Teachers (AFT), a powerful union, is [suing](#) DeVos and ED for this because they believe the repeal did not meet the justified means required for changing a federal law.

Moody’s, a credit-rating agency, found that graduates from for-profit and/or two-year colleges struggle the most with loan repayment. Furthermore, they report that the main driver of growth of the student loan balance (now topping \$1.5 trillion) is [slow repayment](#), rather than rising tuition fees and increased enrollment, which have historically propelled ballooning student debt. Lower enrollment, however, has nudged Standard & Poor’s, another rater, to issue a [negative outlook](#) for higher education, joining their competitor Fitch’s stance. Despite student debt, Moody’s is slightly more optimistic, having issued a stable outlook on HE.

Faith-Based Colleges Gain Rights to Federal Funding

Secretary DeVos has announced a new [rule](#) to ensure equal rights to faith-based colleges in gaining federal grants. This new regulation addresses 5 areas of concern: 1) religious and nonreligious schools are treated equally by the government; 2) universities allow faith-based student organizations the same rights as their nonreligious counterparts; 3) it repeals the prohibition of using grants for religious activities; 4) it clarifies the phrase “controlled by a religious organization” for Title IX purposes; and 5) it ensures that public universities with federal grants follow their responsibilities with upholding the First Amendment and private universities only need to meet their stated institutional policies. Some opponents of this new regulation [claim](#) that it is unnecessary because faith-based institutions already have different regulations which allow them more freedom to express their beliefs than other universities (i.e. allowing for them to fire or not hire someone because of religious protections) and

that this is another way to allow for discrimination in the name of religion. A [group of senators](#) however back the rule changes because they believe it protects students religious freedoms.

THE WHITE HOUSE

Impeachment Updates

Now that other organizations have created their own impeachment trackers, we direct your attention there to keep up with the latest news and findings. We recommend [GovTrack.us](#) for the latest and for answers to (most) of your impeachment-related questions.

International

President Trump is [considering](#) expanding the travel ban that constrained immigration from seven majority-Muslim nations, including Iran, as well as Venezuela and North Korea. Newly-targeted countries are said to include Kyrgyzstan, Myanmar, Eritrea, Belarus, Sudan, Tanzania, and Nigeria. The expansion might be enacted as soon as January 27, 2020, on the three-year anniversary of the initial travel ban. Under the travel ban, exceptions are made for those entering the US on student visas.

However, another Iranian student, with the necessary immigration documents, [was denied entry](#) to the US at Logan International Airport in Boston on January 22. *The Guardian* [reports](#) that, in the past five months alone, more than 10 Iranian students have been turned away by US Customs and Border Protections, despite having valid student visas. Seven of these cases occurred at Logan and in all seven cases, students were banned from entering the United States for five years.

THE LEGISLATIVE BRANCH

LEGISLATION

Senate

No fewer than 14 Senators signed a [letter](#) to the National Labor Relations Board (NLRB) requesting the withdrawal of a [ruling](#) that would designate that graduate students are not employees and are therefore barred from collective bargaining and unionization. Signatories include Ranking Member Patty Murray [D-WA], Sen. Kirsten Gillibrand [D-NY], Sen. Kamala Harris [D-CA], Sen. Amy Klobuchar [D-MN], Sen. Elizabeth Warren [D-MA], and Sen. Bernard Sanders [I-VT].

Sen. Sanders also sponsored [S.3219](#) - Respect Graduate Student Workers Act, which ensures full labor protections. The aim of the bill is to block the NLRB from implementing the proposed ruling. S.3219 is the Senate twin to [H.R.5104](#), which was introduced in the House last November.

The American Association of University Professors, an interest group, has also [opposed](#) the NLRB ruling. They argue that, on the one hand, the right to bargain is covered under academic freedom and, on the other, unionization actually advances the academic freedom of graduate students.

Another bipartisan bill introduced to the Senate this month was [S.3155](#)- Success for Rural Students and Communities Act of 2020 by Sen. Susan Collins [R-ME]. This bill would aim to increase the enrollment and graduation rates of students from rural areas at 2- and 4-year institutions and promote economic growth in rural areas by awarding grants. It would spend [\\$60 million per year](#) for 6 years to expose rural families to college campuses and would remove financial aid barriers.

Sen. Jeanne Shaheen [D-NH] also introduced a bill this week, [S.3222](#)- Student and Student Athlete Opioid Misuse Prevention, which authorizes schools to inform students and their communities about the dangers of opioids.

Sen. Roger Wicker [R-MS] introduced the bipartisan [S.3191](#)- Industries of the Future Act. This bill aims to increase research and development programs for “industries of the future.” This bill would create a council to investigate the most advantageous fields to invest in; this would include members appointed by the Select Committee on Artificial Intelligence , Subcommittee on Advance Manufacturing, and Subcommittee on Quantum Information Science of the National Science and Technology Council and the Office of Management and Budget.

House of Representatives

The RISE Act ([H.R.5613](#)) was introduced by Rep. Ruben Gallego [D-AZ] and would allow for qualified entrepreneurs to temporarily defer federal student loans after starting a new business. This would only apply to people who have registered a business and graduated in the last 10 years. A person needs to maintain their business for over a year with at least one other full-time employee, as well.

Two bills were introduced in the House that make funds available to institutions of higher education for specific purposes. The first, [H.R.5654](#) - Expanding Medical Education Act, sponsored by Rep. Jim Costa [D-CA], allots \$40 million per year to be distributed aid the establishment of medical schools in underserved areas. No institution is to receive more than \$10 million. The bill has been referred to the Committee on Energy and Commerce.

The second is [H.R.5647](#); it was introduced in the House by Rep. Bill Pascrell [D-NJ] and mirrored in the Senate by Sen. Robert Menendez’s [D-NJ] sponsoring of [S.3209](#) - Campus Fire Safety Education Act. This pair of bills authorizes the Secretary of Education to make grants of up to \$250,000 to HE institutions to provide training and education on fire safety. The total funding available is \$15 million per year. The bills have been referred to the House Committee on Education and Labor and the Senate HELP Committee, respectively.

IN RELATED NEWS...

GRADUATE SCHOOL AND CAMPUS CLIMATE

More than half (53%) of researchers have sought out (or intent do seek out) professional help for anxiety or depression, according to a report by the Wellcome Trust, a UK-based research charity. The report, [“What Researchers Think about the Culture They Work in,”](#) reveals other harrowing statistics on research environments. While 61% of survey respondents have witnessed workplace harassment

or bullying, 43% have experienced it personally. Only 37% feel comfortable speaking up or reporting such malignant behavior. 70% felt stressed on the average work day. More than three quarters of surveyed researchers feel that conditions are unkind and aggressive due to intense competition and a similar number feel that creativity is being stifled as a result of metrics-based assessment. Slightly over half received feedback on their performance and slightly under half received a formal appraisal. A mere 29% of respondents felt secure about pursuing a career in research.

REPORTS AND PRESENTATIONS

The Center for American Progress, a left-leaning think tank, produced a report on [Graduate School Debt](#). The report points out that, although graduate students comprise only 15% of the total enrolled students, they take on 40% of federal student debt, or \$37 billion per year. Black students are disproportionately affected: “Black students are more likely to borrow in graduate school and have more undergraduate debt than their white peers. As a result, the median debt for a Black student borrower finishing graduate school is 50% higher than that of a white borrower.” The Center proposes caps on both tuition fees and loan maximums, and recommends a graduate school requirement similar to the “gainful employment” regulation that dictates that undergraduate programs cannot load students up with more debt than they can repay.

The Congressional Budget Office issued a [presentation](#) on how they calculate The Cost of Federal Student Loan and Repayment Programs.

Relevant Reads

Endgame: Can literary studies survive?

And an [op-ed response](#) in the *New York Times*

Two pieces on gender after the MLA conference:

[The Gender Politics of Doctoral Reform](#)

[Talking about #MeToo at the MLA](#)

[Legal defeats trigger fresh look at US sexual misconduct \[Title IX\] rules](#)

[The Grad Activist: Becoming a Scientist-Activist](#)

Two pieces on automation in Higher Ed:

[HE Employment in a “World Without Work”](#)

[World Economic Forum: How HE can adapt to the future of work](#)

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