

THE NATIONAL ASSOCIATION OF GRADUATE-PROFESSIONAL STUDENTS

Legislative Letters

February 10, 2020

[Subscribe](#)

Updates in Higher Education



Image Credit: Kaylynne Glover, "The Capitol"

There seems to be some progress being made on loan forgiveness with an agreement between the Department of Education and the CFPB, as well as debt erasure for disabled veterans. A bill that provides some protection to those who have defaulted on student loans passed in the House. Travel restrictions have been applied to several countries at the federal level; while these do not affect student visas, the outbreak of coronavirus has prompted universities to limit nonessential travel to China. Bills strengthening workers' rights have been introduced in both chambers of Congress—another has passed in the House. Several new or newly-passed bills aim to increase funding in specific research areas; we also have detailed information on appropriation of funds to a variety of national research agencies, most of which had their budgets raised in spite of the President's requests to lower (or in once case completely eviscerate) them.

This edition of the Legislative Letters concludes with two short briefings: one on the future of higher education; the other on free speech on campus.

Mike Ford, Director of Legislative Affairs, legislative@nagps.org

Ellie Johnson, Special Assistant for Legislative Analysis, sa_legislativeanalysis@nagps.org

THE EXECUTIVE BRANCH

DEPARTMENT OF EDUCATION

CFPB and Department of Education Work Together on Student Loan Complaints

The United States Department of Education (DE) and the Consumer Financial Protections Bureau (CFPB) are now coordinating with each other to serve student loan borrowers better. Under the new [Memorandum of Understanding \(MOU\)](#), the two will share complaint information and discuss these complaints quarterly. It also defines the roles of the agencies more clearly. However, this comes after the Director of the CFPB, Kathleen Kraninger, had told Congress that they were hiring a student loan ombudsman in the Spring of March 2019; however Sen. Sherrod Brown [D-OH] and Sen. Robert Menendez [D-NJ] find this questionable, since, after the hire of the student loan ombudsman, there has been no evidence that there had been any work on establishing the MOU. Sens. Brown and Menendez sent a [letter](#) sharing their displeasure to Director Kraninger. In this letter, they discuss how the CFPB is helping Education Secretary DeVos avoid investigating harmful student loans. (In addition, DeVos may be [subpoenaed](#) by the House of Representatives regarding sexual assault policies.)

The CFPB has also recently [outlined](#) how they will cite and challenge abusive conduct in supervision or enforcement of loans, including student loans.

Disabled Veterans Student Loans Forgiven

The federal government plans on [forgiving](#) hundreds of millions of dollars of student loan debt to 25,000 disabled veterans. Many support this action, but do not think it is enough. They believe people who the federal government deem to be unable work due to disabilities should also have their student debt loans removed as well. This is roughly 400,000 people, many of whom are not considered in the current debt relief because they are not veterans or were not injured during service. In August, President Trump signed an executive order to forgive the loans of people considered eligible by the Department of Veterans Affairs without requiring applications.

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.

The impeachment process has come to an end, with the Senate [acquitting](#) President Trump in a 52-48 vote. Sen. Mitt Romney [R-UT] became the first US Senator to vote against the acquittal of a president of their own party.

International

Although Belarusian nationals managed to avoid President Trump's [expansion](#) of the travel ban, people claiming eligibility from Sudan and Tanzania will no longer be allowed in the Diversity Visa program. Four countries will face even more severe travel restrictions from February 22, 2020 onward: immigrant visas will be suspended for Nigerian, Myanmar, Kyrgyzstani, and Eritrean nationals. The travel ban does not affect non-immigrant visas like tourist, business, or student visas. Rep. Ilhan Omar [D-MN] has introduced the [H.R. 5767](#) - ENSURE Act, that defers the removal of some affected Eritreans. It was cosponsored by 30 fellow lawmakers, all Democrats, and referred to the Judiciary Committee.

Several universities have [announced restrictions](#) on travel to China as a result of the recent outbreak of coronavirus. One of the universities that [imposed](#) restrictions, Arizona State, also has a confirmed case of the illness. The Centers for Disease Control and Prevention (CDC) have recommended against nonessential travel to China; a similar stance has been taken by the US Department of State. However, the CDC also [note](#) that "for the general American public, who are unlikely to be exposed to this virus, the immediate health risk from 2019-nCoV [coronavirus] is considered low at this time [February 5]."

THE JUDICIAL BRANCH

THE SUPREME COURT

International - cont.

The Supreme court [voted](#) 5-4 to allow the Trump administration to implement the "public charge" rule, that serves as a barrier to immigrants that might rely on public assistance like Medicaid or SNAP. A [brief](#) from the Presidents' Alliance on Higher Education and Immigration, an interest group, reassures that the rule does not apply to F-1 student visas and that international students already get screened twice for their ability to support themselves without public assistance.

District Judge Loretta Briggs [permanently enjoined](#) a US Citizenship and Immigration Services [Policy Memorandum](#) ("Accrual of Unlawful Presence and F, J, and M Nonimmigrants"). The memorandum, which imposed more severe rules on how unlawful status is counted, was temporarily blocked by Judge Briggs shortly after it was introduced in 2018.

Court of Appeals

Title IX

The U.S. Court of Appeals for the Ninth Circuit found that universities with [inadequate Title IX enforcement](#) may be liable for students being harassed or assaulted. Proponents of the law say schools are creating an unsafe environment for students which will lead to heightened risk on Title IX violations.

THE LEGISLATIVE BRANCH

LEGISLATION

Senate

Sen. Jeanne Shaheen [D-NH] introduced a bill at the end of January: Simplifying Access to Student Loan Information Act of 2020 ([S. 3243](#)). This bill, which is currently in the Senate Health, Education, Labor, and Pension Committee, aims to increase borrowers' access to student loan information held in the National Student Loan Data System.

Sen. Elizabeth Warren [D-MA] and Sen. Brown have sent [letters](#) to five online program management companies that question the legality of some of their business practices. These companies partner with academic institutions to recruit students in exchange for a cut of the tuition they then pay. The Senators are [concerned](#) that incentivising recruitment by tuition sharing (much of which is eventually supported by federal student aid), may lead to deceptive and/or predatory recruitment practices.

Sen. Warren also introduced two bills that pertain to labor. The first, [S.3256](#), aims to improve working conditions pertaining to scheduling and rescheduling. It garnered the cosponsorship of 22 Democrat Senators, as well as Independent Sen. Bernard Sanders [I-VT]. A similar roster of cosponsors signed onto Sen. Warren's [S.3255](#), which would make it easier for employers to require membership of a labor organization as a condition of employment.

House of Representatives

S.3255 is the Senate parallel to House bill [H.R.5712](#) - Nationwide Right to Unionize Act, which was introduced by Rep. Brad Sherman's [D-CA] a week earlier.

Another bill that amends the National Labor Relations Act, [H.R. 2474](#) - Protecting the Right to Organize Act of 2019, passed in the House one year after it was introduced; the vote was split 224-194. The bill extends protections to union workers, allowing them to participate in class action litigation, while expanding penalties of labor law violations, disallowing requiring or coercing employees to attend meetings that discourage union membership, and designating replacement of or discrimination against workers who participate in strikes as unfair labor practices.

On January 30th, the House of Representatives passed the Comprehensive CREDIT Act of 2020 ([H.R. 3621](#)). This bill amends the Fair Credit Reporting Act to remove adverse information for people who have defaulted or are late on their student debt loans, but have otherwise had a history of repaying loans.

The House passed Supporting Veterans in STEM Careers Act ([S. 153](#)). This bill supports veterans in STEM by encouraging NSF to work with other agencies to support them and submit a plan to Congress for enhancing veterans outreach. The bill is currently waiting on the president to sign it into law.

The House passed [HR 4704](#), Advancing Research to Prevent Suicide Act. The bill directs the NSF to award grants to high education institutions to support research into suicide, including prevention and treatment. Senate referred the bill to the Senate Committee Commerce, Science, and Transportation.

Rep. Frank Lucas [R-OK] introduced a bill, To invest in basic scientific research and support and support technology innovation for the economic and national security of the United States, and for other purposes ([H.R. 5685](#)). It was sent to the House Committees on Science, Space, and Technology; Judiciary; Small Business; Natural Resources; and Foreign Affairs.

APPROPRIATIONS AND FUNDING

The budgets for many government science agencies for the [financial year 2020](#) have been released. Despite major cutbacks proposed by the Trump Administration, many of the agencies had their budgets raised. While the [Department of Defense Research and Development](#) unsurprisingly walked away with the largest budget (\$89.6 billion), the [National Institute of Health](#) had the largest dollar change amount (\$2.60 billion increase; total \$41.7 billion) and the Department of Energy- Renewable Energy had the largest percent increase at 20% (total \$2.8 billion). Other departments that were included are: [Department of Energy Office of Science](#); [Department of Energy Applied R&D Programs](#); [National Nuclear Security Administration](#); [National Science Foundation](#); [NASA](#); [National Institute of Standards and Technology](#); [US Geological Survey](#); [National Oceanic and Atmospheric Administration](#); and Science and Technology Advice to Congress.

The Council for Advancement and Support of Education, a global nonprofit, [found](#) that in 2019 colleges and universities in the US raised more money than ever from voluntary support: the amount increased by 6.1% from 2018, to just shy of \$50 billion. Alumni provide less than a quarter of voluntary donations, while philanthropic foundations account for more than a third. Other sources of funding include non-alumni individuals (16.7%), corporations (13.7%), and other organizations (12.7%). However, it should be [noted](#) that a considerable part of the growth (~3.6%) can be attributed to entities associated with presidential-hopeful Michael Bloomberg, who collectively poured more than \$1.8 billion into the endowment fund of Johns Hopkins University.

More details on the nation's universities' endowment performance have been [released](#) by the National Association of College and University Business Officers. The country-wide average return on investment for the 2019 fiscal year is 5.3%, net of fees. Perhaps unsurprisingly, large endowments (more than \$1 billion) tend to outperform smaller endowments; this is ascribed to greater access to riskier investment vehicles like venture capital and buyout funds. Only 13.9% of the 774 institutions surveyed have endowments of more than \$1 billion; the collectively own 78.3% of the total endowment value.

IN RELATED NEWS...

THE FUTURE OF HIGHER EDUCATION

Various groups of stakeholders have been grappling with the question of what the future of higher education looks like. Issues considered include funding, technology and the role of faculty, faculty and student demographics, and how some of these issues intersect. The Bipartisan Policy Center, a think tank, produced a [report](#) that, among other [issues](#), call for greater institutional accountability as well as a sharp increase in Pell Grant funding both in terms of budget, increasing Pell Grants by \$9 billion per year, and to expand the Pell eligibility pool to include more middle-income students. The National Association of Student Financial Aid Administrators, an interest group, has also recently [advocated](#) for increases in federal student aid, which they claim has fallen behind higher ed inflation.

A Gallup [poll](#) for the Association of Governing Boards of Universities and Colleges (AGB) [revealed](#) that 42% of university trustees are “very concerned [about] the future of the higher education sector in the US.” The same percentage of them were “somewhat concerned.” More than half indicated concern about the financial stability of their institutions. However, less than half of trustees polled thought that it is “very important” to diversify their board of trustees in terms of race or of gender. The sample was 60% male and 84% white.

A [report](#) by the College and University Professional Association for Human Resources, entitled The Aging of Tenure-Track Faculty in Higher Education: Implications for Succession and Diversity, found that the aging academic workforce poses “unique challenges for the management of a faculty workforce,” particularly as it pertains to a steadily diversifying group of the older full professors block. They also suggest that “Younger faculty cohorts include more women and more racial/ethnic minorities, suggesting that intentional efforts of campuses to diversify their faculty might be succeeding.” The report continues, “However, hiring diverse faculty is not enough. Institutions must retain and promote women and minorities to maintain their representation in more senior ranks.”

Turning to student demographics, researchers [found](#) that Republican lawmakers allocated more funding for HE in areas where the student population is whiter than the State average and less where the student population is less white than the State average. Similar results were not found among Democrat HE spending and Democrats tend to spend more per student than their Republican counterparts. The authors [claim](#) that their “results suggest that partisan attitudes toward racial representation in HE may shape government support for colleges and universities.” Meanwhile, in many Republican-led states, students and faculty have been conducting [intensive research and introspection](#) on the exploitative history of the relationship between slavery and HE.

A pair of PhD candidates in the social sciences at the University of Washington [surveyed](#) their peers to ascertain whether attending graduate school really provides social mobility, as it is often touted to do. Their results “highlight how graduate programs tend to reproduce society’s inequalities by reinforcing the unequal costs of pursuing HE.”

Technology is often proclaimed to be a solution to the problems of HE. A group of professors who are [considering](#) splitting the university from the academe, warn that technology is not a silver bullet, and should be used in the right way. By contrast, three education-focused non-profits [maintain](#) that “with the change-making capacity of analytics, we should be moving aggressively forward to harness the power of these new tools [data analytics] for the success of our institutions and our students.”

FREE SPEECH ON CAMPUS

The AGB survey cited above also showed that trustees generally believe their institutions to be doing a good job to protect free speech on their campuses. The Foundation for Individual Rights in Education (FIRE), a right-leaning watchdog, released their [annual list](#) of worst colleges for free speech, highlighting Rensselaer Polytechnic Institute, as well as Harvard, DePaul, and Syracuse. It should be noted that FIRE itself has [come under fire](#) for their opaque methodologies and misconstrual of quotations that feed into their analyses of on-campus free speech. That said, the past few weeks have seen several stirrings pertaining to free speech on campus.

The Speech and Expression Committee at Georgetown University held its first “listening session” after multiple protests against controversial speakers, at least one of which resulted in the deplatforming of a representative from the Trump administration. Students [fear](#) that their right to protest will be quashed by the university administration. Private universities (outside California) are not bound by the First Amendment, but most have policies in place that are modeled thereafter.

Two further stories pertain to free speech issues outside of the US and its relation to American HE. A Chinese student of the University of Minnesota was [arrested](#) in China on charges of “denigrating a national leader’s [President Xi Jinping’s] image” on Twitter, while residing in the Twin Cities. Furthermore, the Faculty Senate at Yale University [questioned](#) the cancelation of a class entitled “Dialogue and Dissent” that was to be offered at their Yale-NUS satellite campus in Singapore. Yale’s Vice Provost of Global Strategy [claims](#) that the decision to annul the course was made “without government interference.” Instead, “concerns about the academic rigor and the legal risks to students” contributed to the decision.

Leaders of HE lobbying groups have [expressed concerns](#) over how federal funding from the Department of Education might be impacted by the ways in which universities treat expressly religious student groups that have membership requirements. One of their main concerns is the uncertainty of how a recent Trump-administration rule interacts with existing state laws on matters of religious freedom, student group membership, student group funding, and federal funding.

OTHER REPORTS AND RELEVANT READS

[SBPC Report](#), on educational redlining, which [finds](#) that lenders use educational data to discriminate
[ED Report](#) to Congress on the TEACH grant program

[GradHacker - Choosing a Committee](#)

[New Books on HE](#), Chronicle of Higher Education

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