

# THE NATIONAL ASSOCIATION OF GRADUATE-PROFESSIONAL STUDENTS

## Legislative Letters

March 9, 2020

[Subscribe](#)

## Updates in Higher Education



Image Credit: Kaylynne Glover, "The Capitol"

The CDC has urged caution around universities' foreign activities as a result of the spread of COVID-19; various branches of government are setting up mitigating measures in reaction to the virus. The Department of Education is investigating foreign sources of funding as well as a university's handling of Title IX procedures. We also outline Secretary DeVos's recent dealings with the House of Representatives. In the Senate, the Health, Education, Labor, and Pensions Committee is working to finalize the reauthorization of the Higher Education Act. A handful of bills pertaining to education and research funding have been introduced in the House; they aim to fund a wide range of initiatives, from Pell Grants to STEM education to nuclear energy research. Containment of COVID-19 abroad and domestically, as well as graduate student worker protests in California all contribute to the trend of shifting of higher education to online platforms.

Mike Ford, Director of Legislative Affairs, [legislative@nagps.org](mailto:legislative@nagps.org)

Ellie Johnson, Special Assistant for Legislative Analysis, [sa\\_legislativeanalysis@nagps.org](mailto:sa_legislativeanalysis@nagps.org)

# THE EXECUTIVE BRANCH

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Center for Disease Control and Protection

Due to the new coronavirus, COVID-19, the Center for Disease Control and Prevention (CDC) is recommending that [colleges and universities postpone or cancel upcoming student exchange programs](#). They also recommend having students currently abroad to come back to the United States and working with the local and federal governments to determine the best timing and conditions for the returns. They also issued a [guide](#) for HE institutions regarding COVID-19. [Several universities](#), like Texas A&M have issued such restrictions.

*Inside Higher Ed* recently released an [article](#) from the previous president of the University of Idaho recommending that universities begin to raise awareness of COVID-19 and what is likely to come; to discuss what the roles of auxiliary campus services, such as dining and housing, are during an outbreak; how the student health services will monitor the student population for an outbreak; and to encourage any classes than can to be taught online. In addition, Secretary DeVos announced that the Department of Education is creating a COVID-19 taskforce.

The House and Senate also passed an emergency response fund for \$8.3 billion ([H.R. 6074](#)) and then was signed into law on March 6. On March 2, Sen. Edward Markey [D-MA] introduced the Coronavirus Vaccine Act ([H.R. 3370](#)), which would support research into finding a vaccine to coronaviruses; it was sent to the Senate Help, Education, Labor, and Pension committee.

Several U.S. universities have [satellite campuses](#) in China, and were concerned when COVID-19 took hold of the country. Instead of cancelling classes, many of these universities have switched to online classes, so there is less spread of the disease through campus. While it has been an adjustment for both faculty and students, it currently seems to be working effectively. [Other schools with campuses and pupils in countries](#) with numerous cases of COVID-19 are taking steps to protect their students. Syracuse University is closing its Florence, Italy campus and helps students return to the U.S., while New York University is going to have classes remotely in the same city. Many other schools are following the CDC's guidance and closing their study abroad programs for the time being.

## DEPARTMENT OF EDUCATION

### Department of Education Investigates Foreign Funding at Universities

The Department of Education (ED) has begun to investigate [foreign gifts and contracts](#) given to colleges and universities, after finding inappropriate relationships between the Chair of the Chemistry Department at Harvard University and China. They plan on continuing to examine the financials of multiple other universities, because of this \$6.5 billion of previously undisclosed money from foreign administrations have been declared. Some higher education (HE) groups believe that some of the earlier methods of investigating to find foreign financial ties went beyond the authority given to the examiners.

### Title IX

Secretary Betsy DeVos [demanded](#) deep reforms at the University of Southern California pertaining to Title IX procedures. She maintains that “This total and complete failure to protect students is heartbreaking and inexcusable” and continued to applaud the bravery of the survivors who came forward. They brought charges against Dr. George Tynall, a former gynecologist at USC’s health center.

### DeVos at House Appropriation Committee

On Thursday, February 27, DeVos [met](#) with the House Subcommittee on Education Appropriations. During this, she [defended](#) the Presidential Budget Request, which caused several issues with Democratic members. Democrats were unsupportive of combining multiple grant programs into a single block grant to the states. DeVos believes that this would allow the schools and states to have more flexibility, while opponents believe it will cause less opportunities for students to access them. Rep. Katherine Clark [D- MA] also took issue with private institutions receiving funding, even if they do not have a nondiscrimination policy; DeVos indicated that it should be a state decision.

### DeVos May Ignore House Subpoena Threats

The US House of Representatives’ Oversight Committee has threatened to subpoena Secretary DeVos if she does not appear before them on March 3 to discuss her [regulations](#) on protecting students who have been victims of sexual assault and unfair loan repayments. When initially asked to speak to the committee, the ED sent a [letter](#) indicating that the committee was overreaching and that a subpoena threat “signals an unhealthy appetite for the abuse of congressional power.” After that, the tension between the two groups has continued to increase. Democratic chairwoman, Carolyn Maloney [D- NY], has accused DeVos and her colleagues of stonewalling the committee on receiving answers about student loans to students of fraudulent universities and sexual harassment, as well as using her position as Secretary of Education to campaign for President Trump. DeVos has yet to meet with the Oversight Committee.

## Public Service Loans

The [Department of Education settled a lawsuit filed by the American Bar Association](#) (ABA), agreeing that ABA employees qualify for public loan forgiveness. Public loan forgiveness applies to borrowers who now work a full-time public service job and after 10 years of payment, their loans are forgiven. This demonstrates that the borrower regulations may not be changed retrospectively.

## Constitutional Challenge to the Consumer Financial Protection Bureau

In our February 10 [issue](#), we reported that the ED and Consumer Financial Protection Bureau (CFPB) would be working together to serve student loan borrowers better. However, the Supreme Court heard [arguments](#) on March 3 that the CFPB may be unconstitutional, because the sole director is appointed by the president for a 5-year term. Unlike other directors who can be fired at will, the CFPB director can only be fired “for cause.” The argument is this decision on the part of Congress violates Article II of the Constitution.

# THE LEGISLATIVE BRANCH

## LEGISLATION

### Senate

Sen. Lamar Alexander [R-TN] believed that the [Higher Education Act \(HEA\) reauthorization deal would be complete by the end of March](#), so it could be passed by the Senate before the end of term. One of the major issues is the new Title IX regulations that DeVos and the Department of Education have released and if they will be included in the act. Alexander and Patty Murray [D-WA] are trying to find common ground with Title IX and the cost of college which is continuing to increase. Both senators are hoping to create a strong HEA, since Alexander is retiring at the end of the year and no one knows who will take his seat as the Chairman of Health, Education, Labor, & Pensions (HELP). Murray is [skeptical that the HEA reauthorization will be complete by the end of March](#) but continues to work with Alexander to finalize it as soon as possible.

Sen. John Cornyn [R-TX] introduced Advancing Research to Prevent Suicide Act ([S. 3351](#)), to direct the National Science Foundation to support research into the science of suicide and the factors associated with it. It was sent to the Senate Commerce, Science, and Transportation Committee.

## House of Representatives

On February 28, Rep. Brenda Lawrence [D-MI] introduced the Pell to Grad Act ([H.R. 6033](#)). It increases the period of eligibility for Federal Pell Grants, so that they may be used for post-baccalaureate degrees.

In order to accelerate progress through the backlog of immigration applicants, Rep. Tony Cardenas [D-CA] introduced [H.R.5971](#). The bill primarily supports reporting procedures. The National Immigration Forum, a pro-immigration advocacy group, released an [analysis](#) of the [S.2603](#) Resolving Extended Limbo for Immigrant Employees and Families Act, which aims to do the same. The RELIEF Act, in turn, is Sen. Dick Durbin's response to the Fairness for High-Skilled Immigrants Act, [S.386](#). The Fairness Act would eliminate per-country caps for employment-based immigrant visas, benefiting aspiring immigrants from countries with large populations currently stuck in thick backlogs. The House's version of the Fairness Act, [H.R.1044](#), passed in July last year.

Remaining on the topic of immigration, with [H.R.6065](#), Rep. Judy Chu [D-CA] is attempting to block all funding to implement President Trump's latest travel ban (Presidential Proclamation [9983](#)). The proclamation inhibits travel from Burma (Myanmar), Eritrea, Nigeria, Sudan, Tanzania, and Kyrgyzstan. Sen. Christopher Murphy [D-CT] introduced H.R.6065's twin in the Senate, [S.3379](#).

Rep. Bill Foster [D-IL] introduced the Partnership for Partnership and Prosperity (P3) Act ([H.R. 5976](#)) on February 26. This bill directs the Secretary of Education to institute a STEM grant program. This program would apply to people in the STEM field who develop STEM coursework that can be offered to high schools and colleges.

Rep. Ben Ray Lujan [D-NM] introduced [H.R.5966](#) in order to restore and modernize the Department of Energy's national laboratories. He is asking for \$6 billion to be spent by 2025. In a separate bill, [H.R.5965](#), Rep. Lujan also pushes for the establishment of entrepreneurship programs in these and affiliated laboratories. The program is to facilitate R&D and provide mentorship that benefits the commercialization of federally-funded research. The Department of Defense has long had similar programs in place at their labs.

Although the text and numbers of the bill is yet unavailable, Rep. Conor Lamb [D-PA] sponsored [H.R.6097](#) - To provide for a program of nuclear energy research, development, demonstration, and commercialization. It has been referred to the House Committee on Science, Space, and Technology's Subcommittee on Energy; Rep. Dan Newhouse [R-WA] cosponsored the bill.

In another reaching across the aisle, Rep. Ann Kuster [D-NH] and Rep. Pete Stauber [R-MN] proposed [H.R.6031](#), which would require schools to designate a Clery compliance officer. The Clery Act of 1990 demands that colleges that receive federal financial aid must notify their students and employees about crimes that represent threats to the community. Institutions must also keep track of criminal activity on and around campus and compile an annual report. The compliance officer that Reps. Kuster and Stauber require would be responsible for the collection and reporting of crime information and statistics.

## APPROPRIATIONS AND FUNDING

The education funding bill is scheduled to be marked up by the House Appropriations Committee's subcommittee on Labor-HHS-Education on April 29; the full Appropriations Committee will mark up the bill on May 13, along with Defense and Homeland Security funding bills.

# IN RELATED NEWS...

## EMPLOYMENT

Graduate Students at the University of California Santa Cruz (UCSC) have been on a grade (submission) strike since December last year. They [demand](#) an additional cost of living allowance (COLA) of \$1,412 per month as to reduce the percentage of their income they spend on rent from more than 60% in several cases, to below 30% (the 30% mark is often used as a heuristic indicator of poverty when exceeded). Santa Cruz, like many other locations in California, has a particularly tight rental market. The Chancellor of UCSC has since [announced](#) a \$2,500 annual housing supplement. During a wildcat strike, students [clashed](#) with police forces; several were arrested. Regardless, the movement has [spread](#) to other parts of the UC system: at Santa Barbara, graduate students are seeking an extra \$1,807 COLA per month; at Davis the number is \$1,553.

The United Auto Workers, of which the graduate student workers are members, has not authorized the strike, but urged the university to engage with the students in negotiating COLAs. Presidential hopeful Sen. Bernie Sanders [I-VT] has [tweeted](#) support of these graduate student workers and urged UCSC to negotiate in good faith. The American Association of University Professors, an interest group, has also [issued a statement](#) of support. The UC system maintains that participating in the strike is a breach of graduate workers' union contract. At UCSC, no fewer than 54 graduate student workers have been [fired](#). A further 28 will not have appointments renewed in the Spring. International students fear that their legal status is at risk. Students at UCLA and UC Irvine have organized protests in solidarity with their dismissed peers at UCSC.

On Thursday, March 5, graduate student workers at UCSC [shut down](#) the campus by blocking all entrances before dawn. The school had no choice but to [cancel all classes](#), save those offered online.

## TECHNOLOGY IN HIGHER EDUCATION

The *New York Times* published an [article](#) in February discussing how changing technology may impact higher education. Many colleges are at the cutting edge of technology because of research done on their campuses, but many are "risk averse" when it comes to changing their structure. One way the article suggests technology may change higher education is by changing the cost structure for students. Instead of enrolling for example, it could be a subscription and monthly fee. This could also lead to lifelong transcripts. Others think that robot professors may be the way of the future, by using IBM Watson technology. However, [Inside Higher Ed](#) disagreed with the main point of the NYT article; whereas NYT makes it clear that technology is a driving factor in education, *Inside Higher Ed* argues

“Technology on its own, does not drive higher education change.” The argument is that technology, while they can be beneficial, will only exacerbate current trends. Ultimately, education is a nuanced practice where a standard does not teach everyone in the same way. Technology can be used as a tool for learning but are not ready to be the teachers yet. Questions of implementing distance pedagogy and ed-tech have been foregrounded by the spread of COVID-19.

## REPORTS AND RELEVANT READS

A study [found](#) that student evaluations of teaching are unfair, even when they are unbiased (bias in teaching evaluations is extremely well-reported; students consistently provide lower evaluations for women instructors, instructors of color, and instructors with foreign accents, with intersectionalities resulting in even poorer evaluations). One of the authors [maintains](#) that the use of student teaching evaluations “very frequently lead to incorrect [tenure and promotion] decisions.” A different scholar states that “even in a perfect world where we could somehow mitigate the bias of [student evaluations of teaching], they would still be deeply flawed instruments.”

[The Lies Graduate Programs Tell Themselves](#)

[GradHacker - Organizing an Academic Job Market Working Group](#)

## EDITOR’S CHOICE

Jazz education is to receive a boost in a bill proposed by Rep. Sheila Jackson Lee [D-TX], [H.R.5946](#). The bill allocates \$2 million over two years in order to further the appreciation of jazz music throughout the nation.

[It’s On Us](#), an Obama-administration group that aims to reduce sexual misconduct on campuses, [teamed up](#) with Tinder, an online dating app with almost 8 million U.S. users, to provide students with training and to promote online dating safety.

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