

THE NATIONAL ASSOCIATION OF
GRADUATE-PROFESSIONAL STUDENTS

Legislative Letters

December 14th, 2020

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Image Credit: Kaylynn Glover, "The Capitol"

An unfortunate few week in the courts for the Trump administration: new H1-b visa rules were overturned, DACA was reinstated, and the supreme court threw out the latest case seeking to delay certification of elections. With the executive transition all but a certainty, congress has passed an extension to avoid a government lockup, though the final showdown for next year's budget and further COVID relief will be playing out this week. The first COVID-19 vaccines were approved for emergency use this past week, and rollout should begin immediately.

Thad Potter, Interim Director of Legislative Affairs, legislative@nagps.org

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

THE EXECUTIVE BRANCH

Student loan borrowers received an extension on forbearance out to Feb 1st. Temple University settles with the Education department over falsifying records to *US News*. Coronavirus vaccine has been cleared for emergency use, though the path to rollout is not as smooth as hoped. As the Biden administration grows, we continue to await the announcement of Secretary of Education and statements on international student policy.

THE DEPARTMENT OF EDUCATION

On Dec 4th, Secretary DeVos [extended](#) the period before which student loan borrowers would have to resume making payments to February 1st. The Democratic House Education Committee argues that the reprieve is too short, citing September 2021 as a better benchmark. Furthermore, this extension gives the incoming Biden administration only two weeks in office before it would expire. In her statement, DeVos wrote: "The added time also allows Congress to do its job and determine what measures it believes are necessary and appropriate ... The Congress, not the executive branch, is in charge of student loan policy."

In [an agreement](#) released on Dec. 7th, Temple University will [pay the Education department](#) \$700,000 after being found falsifying GMAT, GPA, and other data to *U.S. News & World Report* for years in order to boost their rankings and attract students. The agreement read: "Temple's Fox School knowingly, intentionally, and substantially misrepresented the nature of certain of its educational program by advertising the false rankings by *U.S. News & World Report* thousands of times...The department believes this advertising wrongly increased Temple's enrollment and revenue, deceived consumers, and unfairly harmed competitors."

THE WHITE HOUSE AND OTHER AGENCIES

As of December 12th, President-elect Biden has not yet appointed a secretary of Education. He has, however, [pledged](#) to appoint a former public school educator to the position. Current contenders include [Randi Weingarten](#), president of the American Federation of Teachers, Lily [Eskelsen García](#), former president of the National Education Association and endorsed by the Congressional Hispanic Caucus, as well as school superintendents [Janice Jackson](#), [Sonja Santelises](#), and [William Hite](#) backed by Democrats for Education Reform. ... Some are [concerned](#) by Biden's other picks ... "Like many others now staffing Biden, they built résumés during the Trump years that abound with the kind of financial connections that typically set off alarm bells".

On Thursday, an independent FDA advisory committee [voted 17 to 4](#) in favor of emergency use of the Pfizer and BioNTech vaccines for COVID-19. Shipments of the vaccine have already begun, and [40 million](#) doses are currently expected to be delivered by the end of the year. Rollout will begin with elderly patients and healthcare workers, though the emergency use is approved for patients 16 or older. [Caution is recommended](#) for people with severe allergies, with some anaphylactic reactions in clinical trials.

Though there has been some contention on the topic, former FDA commissioner Scott Gottlieb [confirmed](#) that Pfizer had approached the white house about [purchasing additional doses](#)

beyond the initial 100 million, however, the administration turned down the offers. Additional doses may now be more difficult to secure as orders come in from around the globe.

IMMIGRATION AND INTERNATIONAL STUDENT CONCERNS

Though the incoming Biden administration has not yet announced a specific plan regarding the status of international students, it is [expected](#) that his platform will differ significantly from the Trump administration. Since many of the Trump-era policies have been initiated through executive order, it would be relatively simple to undo them. Biden has already pledged to [end travel bans](#) to majority Muslim countries instated by the current administration, and planned on reinstating DACA and the DREAMers programs. The proposed [changes](#) to F-1 visas originally put out in September have not yet been finalized, and Biden may revoke them. If, however, the rules are finalized before Biden takes office, the new administration will have to go through the same month-long review process, or risk them being overturned in the same fashion as recent H1-b visa rules.

THE LEGISLATIVE BRANCH

Funding for the coming year and Covid relief have occupied significant discussion in the past few weeks, and though significant progress has been made, they have not yet been passed. Earmarks may also be making a return in the next congress.

LEGISLATION

Two major stalls in congress at the moment: funding for the coming year, as well as COVID relief continuation.

After an extension passed last week, funding is set to run out Dec. 18th, giving congress one more week to pass the omnibus. Current [sticking points](#) include \$2 billion for Trump's southern border wall (an issue which previously led to a government shutdown in 2018), language regarding police reforms, as well as riders regarding water infrastructure and the environment. The next round of COVID relief has also been under significant contention in recent weeks, with only two weeks remaining before several key parts of the CARES act are set to expire, including federal loan relief. Speaker Pelosi [expressed optimism](#) that congress will deliver relief before the holidays, stating "We'll take the time we need and we must get it done" and "We cannot leave without it." The \$908 billion package is a [compromise](#) between the \$500 billion package pushed for by Majority Leader Mitch McConnell and the \$2.2 trillion initially backed by Pelosi and Schumer. When discussing the change of position for Pelosi, she cited a changing political landscape: "It's for a shorter period of time, but that's OK now, because we have a new president." Currently, the package would extend student loan forbearance into April, as well as additional financial aid to institutions and individuals.

After more than a decade since their banning, congressionally directed spending - or earmarks - may be returning next congress. In a [statement to The Well](#) News, Majority Leader Steny Hoyer said: "I expect that the House will pursue transparent and accountable Congressionally-directed spending in the next Congress."

THE JUDICIAL BRANCH

2 major blows have been dealt to Trump's immigration policies these past few weeks, with the H1-b visa changes being struck down and DACA's reinstatement. OPT programs for foreign students were upheld against several tech labor unions. The supreme court threw out the newest in the series of cases seeking to overturn the election results in key states.

THE SUPREME COURT

On December 11th, the Supreme Court [denied](#) the Texas request to overturn 2020 presidential election results in Georgia, Michigan, Pennsylvania, and Wisconsin. [The court's order](#) stated that Texas did not have a legal standing in the case, and therefore did not consider the merits of the state's case. The four states in question each submitted briefs to the case which objected to the "seditious abuse of the judicial process", and that the court "should send a clear and unmistakable signal that such abuse must never be replicated." This is the most recent in [a series of suits](#) by states and other organizations seeking to block the certification of elections and delay the meeting of presidential electors this coming Monday.

LITIGATION

Foreign student enrollment in Optional Practical Training (OPT) was [upheld](#) by a federal district court, in orders published on November 30th. The suit, brought by several tech workers' unions, claimed that foreign enrollment in these programs reduced opportunities for American workers. The official opinion will be issued within 60 days of the orders.

[DHS changes](#) to H1-b and H2-b visas were [struck down](#) on November 24th, finding that the US Departments of Labor and Homeland Security had violated the Administrative Procedures Act (APA) when issuing the new regulations through the misuse of the "good cause" exemption limiting their time for public comment. The rules would have made it significantly more expensive to hire an H1-B visa holder, as well as redefined the "special occupations" the visa is intended for.

After being partially [remanded](#) in June, the case for DACA's reinstatement was [settled](#) on the 4th, when a federal judge instructed the DHS to post a public notice that it will begin accepting and evaluating petitions from qualified immigrants. The DHS [posted](#) such a notice on Monday, stating that it would administer the program under the 2012 guidelines from the Obama administration.

IN RELATED NEWS...

Updates on prominent court cases regarding discrimination, projections, and trends for higher education as a result of COVID and online learning, and potentially large changes in the senate education committee.

RELEVANT READS

Diversity, Inclusion, and Social Justice

[Supreme Court declines to hear Oregon case challenging transgender bathroom policy.](#)
[Virginia State council of higher education issue 'notice of intent' to select national firm for VMI probe](#)

The State of Higher Education

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Higher Education Policy

[Security Implications of Foreign Funding and Access at US Colleges and Universities](#)
[Who will replace Lamar Alexander?](#)

LETTERS, REPORTS, AND PRESENTATIONS

In [a letter](#) published this week, the postsecondary data collaborative and the National Skills Coalition urged congress to pass the College Transparency Act (S.800) as a part of end of year agreements.