

THE NATIONAL ASSOCIATION OF  
GRADUATE-PROFESSIONAL STUDENTS

# Legislative Letters

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## Updates in Higher Education

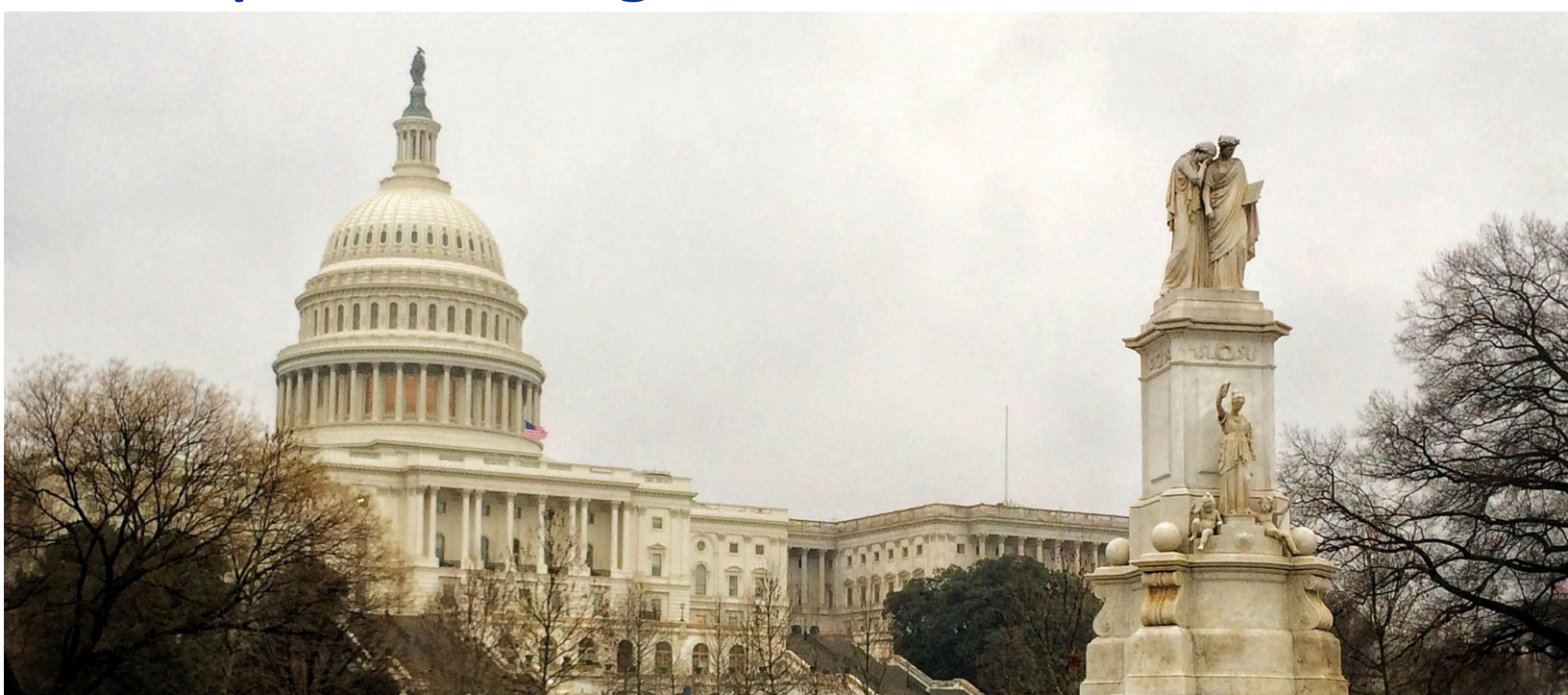


Image Credit: Kaylynne Glover, "The Capitol"

Welcome back, and to a new year here at NAGPS! With large bills still pending in congress, and COVID numbers once again on the rise coming out of the holidays, let's take a look at the policy developments for graduate students these past few weeks., and where the new year may be taking us!

With the fate of BBB uncertain and a February 18th budget deadline looming, not much progress is being made on many research and education focused bills. On the executive side, student loan forbearance has been extended to May 1st, and some simplifications have been made to the system. In the courts, we have cases challenging admissions policies, Title IX interpretations, as well as financial aid at the federal and state level.

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# THE EXECUTIVE BRANCH

## DEPARTMENT OF EDUCATION

### Title IX Rulemaking to be Released Early

New Title IX rules will be coming a month early! On December 10th, Assistant Secretary for Civil Rights Catherine Lhamon [released a statement](#) that the department will be issuing the notice of proposed rulemaking by April. Stay tuned! We will make sure to keep you updated.

### Improving Customer Experience for Student Loans

In line with President Biden's Executive Order on "Improving Customer Experience for the American People", the Department [announced the following changes](#) to their practices to "put *people* at the center of everything the government does":

1. Consolidation of all student loan repayment portals into one single site which will be hosted on StudentAid.gov
2. Reduction in the paperwork required to apply for Public Service Loan Forgiveness, and reduced the amount of duplicate paperwork that needs to be submitted.
3. The Department will offer recommendations for benefits and services (healthcare subsidies, food assistance, etc.) borrowers may qualify for.

### Student Loan Payment Pause Extended

An early Christmas Present to student borrowers: on December 22nd, The Department [announced](#) that they will extend the student loan forbearance an additional 90-days, through May 1st, 2022. This action comes as [students](#) and [servicers](#) seem uneasy about restarting the repayment process, and will prevent an additional \$15 billion in interest from accruing on federal loans.

## THE WHITE HOUSE AND OTHER FEDERAL AGENCIES

### Department of Energy Launches Office of Clean Energy Demonstrations

On December 21st, the Department of Energy [announced](#) that it has established a new office dedicated to working on "President Biden's bold climate agenda, create new, good-paying jobs for American families and workers, and reduce pollution while benefiting disadvantaged communities." The Infrastructure Bill provides \$20 billion in funding for the new office, and will [help to fund research](#) on hydrogen production, grid reliability, and more.

# THE LEGISLATIVE BRANCH

## LEGISLATION

### Appropriations

With [less than one month remaining](#) until the federal government runs out of funding, debate over appropriations is still ongoing, and show few signs of speeding up. In a statement released on January 13th, the House Committee on Appropriation released [a statement](#) on a “constructive Four Corners conversation” between leadership of both chambers’ Appropriations committees.

### Build Back Better

After being [interrupted by Sen. Manchin](#), and odds of removing the filibuster [seemingly dashed by Sen. Sinema](#), the fate of President Biden’s spending package remains unclear. There is talk of trying to pass the bill [with some cuts made](#), though the White House [dismissed these ideas](#). In [his statement](#), Sen. Manchin suggested sending the bill back to the House and the committee process, and Sen. Kaine [stated](#) that “we’re gonna find a core of the bill and pass it”, but that “the most recent version of it is not going to happen”. With the status of increased Pell Grants, improved access to childcare, and increased resources to minority-serving institutions hanging in the balance, we will keep you updated on if and how this bill will make it through the senate.

### Infrastructure Package, NDAA Signed into Law

On December 7th, President Biden [signed the Infrastructure Investment and Jobs Act](#), a \$1.2 trillion spending bill which makes significant investments in transportation and utility infrastructure, as well as \$40 billion in education which will [increase the maximum Pell Grant](#) by approximately \$500 per year.

On December 27th, President Biden [signed the National Defence Authorization Act for 2022 \(NDAA\)](#). The nearly \$800 billion bill includes a *\$5.8 billion increase* above the President’s Budget Request in funding for research, development, testing, and evaluation.

### USICA still pending in conference

After [being left out of the NDAA](#), the US Innovation and Competition Act (USICA) is still awaiting a decision in conference between the two houses. With sticking points around the [EAGLE act](#), which would raise per-country employment visa caps, as well as [some differences accumulating](#) between the two versions of the bill, significant work still remains before the bill, originally a funding increase for the NSF, is going anywhere.

# THE JUDICIAL BRANCH

## THE SUPREME COURT

### Liability under Title IX

In 2018, a former Oakton High School student [alleged](#) that the Fairfax County Public School system (FCPS) mishandled her sexual harassment and assault report, and brought a suit against the school for violating Title IX provisions by not properly handling the reports, going further to state that they were “concerned only about the school’s potential exposure to liability, not the safety of its students.” [After a ruling in 2019](#) that because the school did not have “actual knowledge” of the incident they could not be held liable, a three judge panel ruled in June that the report did meet this standard, and ordered a retrial. Now, FCPS [seeks a ruling from the supreme court](#) to stay this order.

### Application of State Aid at Religious Institutions

Does a state violate the 1st or 14th amendments when they prohibit a student from using a generally available student-aid program to attend a school which offers religious or sectarian instruction? That is the question central to [Carson v. Makin](#). The state of Maine offers a tuition assistance program to school-aged children, with the exception that it may not be used for private schools that provide religious instruction. After [hearing the case](#) on January 5th, the court seems divided on the issue, with the status and practices of these programs in general being considered.

### Affirmative Action Admissions Cases Relisted

Two cases against affirmative action admission policies, at [Harvard](#) and the [University of North Carolina](#), have been relisted for the upcoming conference. Neither case will be considered this session, but the fact that both cases remain on the docket begs the question: what is the court planning to do with these two cases? The first alleges that admissions policies at Harvard violate Title VI of the Civil Rights Act by discriminating against Asian-American applicants, while the second asks whether a university can reject a race-neutral alternative without proving that the alternative would cause a sacrifice in academic quality. If either of these cases is found for the plaintiff, it could dramatically change admissions practices in higher education.

## LITIGATION

[Another suit](#) calling into question the practices of many major Universities, this [class action lawsuit](#) against Brown, CalTech, and many others alleges that these universities are part of a “price-fixing cartel”, conspiring together to reduce the financial aid that they award to their students. The central part of the case is that the schools collaborate in an organization called the 568 Presidents Group in order to evaluate a student’s ability to pay. If the schools use any of this information during the admissions process, then they may be violating federal antitrust law.

# IN RELATED NEWS...

## RELEVANT READS

### Diversity, Inclusion, and Social Justice

[Students see diversity, advocacy and career prep in new light](#)  
[The Need for Greater Accountability in Higher Education | Higher Ed Gamma](#)  
[Ways some colleges are tackling inequity in higher education \(opinion\)](#)  
[Funds for faculty revamping courses with a social justice lens](#)

### Career Advice

[The Next Level of Work and Learning | Harvard Graduate School of Education](#)  
[A chief academic officer shares leadership lessons from the pandemic \(opinion\)](#)  
[Advice for graduate students on how to tell your adviser you plan to leave academe \(opinion\)](#)

### The State of Higher Education

[Negotiators struggle to reach consensus on proposed regs](#)  
[SUNY chancellor Jim Malatras resigns amid criticism](#)  
[Columbia student worker strike halts campus operations](#)  
[Enrollment declines for fourth semester amid pandemic](#)  
[What's Next for Higher Education? - Public Policy Institute of California](#)  
[Graduate students express concerns about student service fee - The Auburn Plainsman](#)  
[Columbia, student workers reach contract deal to end strike](#)

### Higher Education Policy

[The Revolution in Higher Education Is Already Underway | Higher Ed Gamma](#)  
[Will a Gainful Employment Rule for For-Profit Colleges Return?](#)

## REPORTS AND PRESENTATIONS

[Template letter from CEF of appropriations](#)  
[The Future of Student Loan Forgiveness \[ACE Presentation\]](#)

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