

# THE NATIONAL ASSOCIATION OF GRADUATE-PROFESSIONAL STUDENTS

## Legislative Letters

March 2nd, 2021

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## Updates in Higher Education



Image Credit: Kaylyne Glover, "The Capitol"

The \$1.9 Trillion COVID relief package has passed the house, though with objections by the senate parliamentarian, it will have to make one more pass, as Democrats try to pass the bill before unemployment benefits expire. More and more personnel are coming into the Department of Education, with Cardona confirmed, and James Kvaal appointed to be under secretary. President Biden has drawn the attention of several state attorneys general after his comments on federal student loan forgiveness. The Supreme Court agrees to hear what will be the final appeal for the controversial Public Charge rule, while the department of justice argues to keep the eviction moratorium.

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# THE EXECUTIVE BRANCH

## DEPARTMENT OF EDUCATION

### SNAP Program Expanded to PostSecondary Students

On February 23rd, the department of Education issued [guidance](#) to postsecondary institutions, informing them of an expansion of SNAP benefits to certain students. To be eligible for enrollment under these guidelines, a student must be either eligible to participate in state or federally financed work study, or have an expected family contribution of 0 for the academic year. These are in addition to other standard requirements of SNAP. More information about the program can be found [here](#).

### Confirmation and Nomination

Late yesterday afternoon, the Senate voted to [confirm](#) Miguel Cardona to secretary of Education. With [a vote of 64-33](#), Cardona continues to receive bipartisan support after a [smooth hearing](#) on February 3rd.

Another important nomination took place on February 22nd, as James Kvaal was [selected to be the under secretary of education](#). He has previously served as the president of the Institute for College Access and Success, as well as the deputy domestic policy advisor under president Obama. Mr. Kvaal has been vocal for his support of [college accessibility](#), especially on the subject of funding. Last year, [he called for](#) a doubling of the size of the maximum Pell Grant, as well as further action on student loans.

## THE WHITE HOUSE AND OTHER AGENCIES

### Federal Student Loan Forgiveness

After a statement by president Biden last week at a Milwaukee town hall in favor of \$10,000 in student loan forgiveness, [several state attorneys general](#) and others are [calling for the President](#) to forgive up to \$50,000. This comes amid a large push by democrats for “big, bold action” on student loans, as stated by majority leader Chuck Schumer.

### NLRB Rulings on Adjunct Unions

Two wins for adjunct faculty these past two weeks, as the National Labor Relations Board ruled in favor of Unions at [Ithaca College](#) and [Elon University](#). The scope of the Ithaca college case is fairly narrow, with the decision stating that a memo released by the adjunct to full-time faculty was considered “protected union activity” and not subject to disciplinary action. The Elon case may have more wide reaching implications. The University argued that adjunct faculty were “managerial employees”, and thus not eligible for collective bargaining. This was dismissed by the NLRB, stating

that the University “simply failed to present more than ‘paper authority’ suggesting that the petitioned-for classifications play any role in its shared governance committees.” The [concern that some have](#) with this ruling is that this test may be extended to other Universities, such that if they are “meaningfully involved” in their institution’s governing body, they will likely not be eligible for collective bargaining. With the Trump-era appointees set to depart the office this Summer, and more labor-friendly members expected to be appointed by president Biden, it is unclear if this issue will come up.

# THE LEGISLATIVE BRANCH

## LEGISLATION

### COVID Relief

Despite [outcry](#) by some Republicans to wait and work on a bipartisan deal, the \$1.9 Billion stimulus package put forth by the Biden administration [passed the House](#) on February 27th, with a vote of 219-212. Soon after, the provision raising the minimum wage to \$15 over the next few years was struck by the senate parliamentarian. Senate Democrats are expected to amend the bill and send it back to the House for approval, and hope to have it signed into law before many unemployment insurance benefits from the CARES Act expire on the 14th.

There has also been some discussion of an [alternative plan](#) for getting the provision passed, by imposing a tax on larger corporations that paid their workers less than \$15 per hour. However, with the administration’s non-committal comments on this plan, and the looming March 14th deadline, it is not expected to be included in the new version of the bill.

## HEARINGS AND OVERSIGHT

On February 25th, the House Committee on Science, Space, and Technology discussed the impact of COVID on the US Research Industry, as well as how to rebuild it. Graduate Education featured prominently in the discussion, with significant support being shown for several key pieces of Legislation, such as the RISE Act, Support Early Career Researchers Act, and STEM Opportunities Act. The full video can be found [here](#).

# THE JUDICIAL BRANCH

## THE SUPREME COURT

### Public Charge Rule

Though President Biden has come out against the rule, the Trump-era “public charge” rule will be [taken up](#) by the supreme court this session. The initial decision, that the policy violated federal immigration law by expanding the definition of which immigrants should be considered a “public charge”, has stood since 2019, surviving appeals this past August and December. This newest appeal will be the last, and though the issue at hand may be rendered moot by President Biden’s policy agenda, this decision may set more strict limits on immigration policy.

## DEPARTMENT OF JUSTICE

### Challenges to Eviction Moratorium

On February 25th, a Federal Judge [ruled](#) that the Order from the CDC temporarily halting evictions is an unconstitutional overreach of congressional authority. This rule, placed in September, made it illegal to evict tenants who were unable to pay rent if they made less than \$100k per year. This comes after [two previous cases](#) have upheld the order, though the three challenges stem from different legal issues. The department of Justice has [filed an appeal](#) to the 5th circuit court of Appeals, where the case will continue. The department stated that To be clear, the ban is still in effect: these cases only have impact on the involved parties. However, if the same principles in the decision are carried to higher courts, it could spell the end for the policy, and prevent congress from enacting it again.

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### Campus Climate

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[Student Counseling Center Utilization Dropped in Fall 2020](#)

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