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# FALL 2021 REGION III PUBLIC POLICY UPDATES

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- **FEDERAL UPDATES**

- **Federal Budget/Appropriations**

- 10/28: Biden releases Build Back Better reframing and higher education funding continues to shrink: <https://www.insidehighered.com/news/2021/10/29/higher-ed-funding-continues-shrink-social-spending-bill>
  - New bill text: <https://rules.house.gov/bill/117/hr-5376>
  - Free community college plan removed, but slight increases to maximum Pell Grant award increase (\$550 instead of \$500)
  - From Committee for a Responsible Federal Budget “The bill would provide universal pre-K for all three- and four-year-olds and cap child care costs for six years at a cost of \$400 billion, extend the \$3,000/\$3,600 Child Tax Credit (CTC) for one year and make its full refundability permanent, extend the Affordable Care Act (ACA) subsidy expansion for three years, extend the Earned Income Tax Credit (EITC) expansion, provide ACA subsidies up to 100 percent of premiums for those in the Medicaid coverage gap for four years, provide \$150 billion of funding for home- and community-based services, expand Medicare to cover hearing benefits at a cost of \$35 billion, increase funding for affordable housing by \$150 billion, increase higher education spending by \$40 billion, expand school meal programs, and provide \$100 billion to overhaul the immigration system. It would also provide \$555 billion for climate change through a combination of consumer rebates for a variety of clean energy sources, funding for clean energy projects, climate resilience programs, and a new Civilian Climate Corps. The framework offsets these costs with tax increases on high earners and corporations, increased Internal Revenue Service (IRS) funding, and a repeal of the Trump Administration's prescription drug rebate rule. Specifically, it would raise \$325 billion over ten years from a 15 percent minimum tax on large corporations based on income reported to shareholders, \$125 billion from a tax on stock buybacks, \$350 billion from a global 15 percent minimum tax on foreign corporate earnings, \$230 billion from a 5 percent surtax on income over \$10 million and an 8 percent surtax on income over \$25 million, \$250 billion by closing loopholes for pass-through income and Medicare taxes, \$170 billion from extending a limit on business losses for high earners after 2026, and \$400 billion from increasing IRS funding to close the tax gap. It would also save \$145 billion by permanently repealing the Trump Administration's drug rebate rule, which the bipartisan infrastructure bill already delays until 2026.”
- 10/18: Senate Appropriations Committee released drafts of the committee’s remaining nine fiscal year (FY) 2022 spending bills, including funding for the departments of Labor, Health and Human Services, and Education (Labor-HHS-Education), and the National Science Foundation (NSF). The Labor-HHS-Education bill includes \$1.2 billion for Federal Work-Study, a \$40 million (3%) increase over FY 2021 levels and the president’s budget request. Additionally, the bill would provide \$100.5 million for the Strengthening Historically Black Graduate Institutions Program, a \$13.3 million (15%) increase over FY 2021 values and \$1.7 million under the president’s budget request and House-passed levels.

- A copy of the bill is available here:  
[https://www.appropriations.senate.gov/imo/media/doc/LHHSFY2022\\_Final.PDF](https://www.appropriations.senate.gov/imo/media/doc/LHHSFY2022_Final.PDF)
  - 9/30: Continuing resolution becomes law keeping the government open through December 3--HR 5303 Extending Government Funding and Delivering Emergency Assistance Act:  
<https://www.congress.gov/bill/117th-congress/house-bill/5305>
    - Congress did not finish its appropriations work by the end of the fiscal year on September 30, so they passed a continuing resolution (CR) to avoid a government shutdown. This will fund the government through December 3 and includes funding to respond to recent natural disasters and to assist Afghan refugee resettlement efforts.
- **Department of Education**
  - 10/29: Department of Education announces recognition status of nine accreditors: <https://www.ed.gov/news/press-releases/us-department-education-announces-recognition-status-nine-accrediting-agencies>
  - 10/13: Office of Civil Rights guidance on addressing mental health needs for students: <https://www2.ed.gov/about/offices/list/ocr/correspondence/stakeholders/educator-202110-students-suicide-risk.pdf>
  - Title IX
    - 10/27: AAU establishes 8 new principles to combat sexual harassment in academia:
      - <https://www.aau.edu/aau-principles-preventing-sexual-harassment-academia>
  - Public Service Loan Forgiveness Overhaul
    - 10/6 Update:
    - [https://www.ed.gov/news/press-releases/fact-sheet-public-service-loan-forgiveness-pslf-program-overhaul?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term=](https://www.ed.gov/news/press-releases/fact-sheet-public-service-loan-forgiveness-pslf-program-overhaul?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)
- **International Students**
  - 10/14: Associations working with the White House on how to support Afghan refugees, ongoing conversations about work being done to support those students and scholars who are now in other countries and are not able to get F-1 or J-1 visas because they cannot prove nonimmigrant intent.
    - ACE resource kit on hosting Afghan students and scholars:  
<https://www.acenet.edu/Documents/Afghanistan-resource-kit.pdf>
  - 9/30: DHS has extended its COVID-19 Form I-9 flexibilities [until December 31, 2021](#), due to "ongoing precautions related to COVID-19."
    - <https://www.nafsa.org/regulatory-information/covid-19-flexibilities-regarding-form-i-9>
  - 9/24: U.S. Citizenship and Immigration Services (USCIS) extended until January 22, 2022 the COVID-19 flexibilities it established for responses to Requests for Evidence (RFEs) and other similar response-based notices and requests, and filing date requirements for filing Form I-290B.
    - Notice of Appeal or Motion: <https://www.nafsa.org/regulatory-information/uscis-flexibility-responding-agency-requests-during-covid-19>
- **Supreme Court**
  - 10/4: SCOTUS term start:  
[https://ballotpedia.org/Supreme\\_Court\\_cases,\\_October\\_term\\_2021-2022#:~:text=Term%20data-2021%2D2022%20term%20data,begins%20on%20October%204%2C%202021](https://ballotpedia.org/Supreme_Court_cases,_October_term_2021-2022#:~:text=Term%20data-2021%2D2022%20term%20data,begins%20on%20October%204%2C%202021)

- The Supreme Court started their term in October, and they will hear oral arguments in person for the first time since the pandemic began. Some of the big cases for this term include a new challenge to Roe v. Wade, a challenge to a New York state gun law, a case regarding aid for religious schools, a battle over alleged discrimination against HIV patients, and two cases that focus on whether the Foreign Intelligence Surveillance Act (FISA) displaces the government's assertion of the "state secrets privilege" for these cases.
- SCOTUS refuses to protect 1st Amendment right to film police brutality  
<https://www.forbes.com/sites/nicksibilla/2021/11/02/supreme-court-refuses-to-protect-first-amendment-right-to-film-police-brutality/?sh=b1ec0537d91e>

## IN THE NEWS

### • COVID-19

- 11/1: Inside Higher Ed more colleges creating vaccine mandates per federal guidelines:  
<https://www.insidehighered.com/news/2021/11/01/federal-money-stake-more-colleges-mandate-vaccines>
- 10/29: Federal vaccine mandate impact on colleges and universities:  
<https://www.natlawreview.com/article/five-key-takeaways-colleges-and-universities-new-federal-vaccination-mandate>
  - Recs from National Law Review: Colleges and universities already have begun receiving the FAR clause from their Federal contracting officers. As the December 8 deadline is right around the corner, there are some critical steps the higher education community should take now to ensure compliance.
- 10/3: How will OSHA enforce the vaccine mandate:  
<https://www.npr.org/2021/10/03/1042227032/how-a-small-government-agency-will-enforce-the-vaccine-mandate-for-80-million-wo>
- Judge bars Community College district from enforcing vaccine policy for 2 nursing students  
<https://www.highereddive.com/news/judge-bars-community-college-district-from-enforcing-vaccine-policy-for-2-n/609779/>
- NMSU reports 30% of students submitted proof of vaccination by deadline. Why so few?  
<https://www.lcsun-news.com/story/news/education/2021/10/01/new-mexico-state-reports-30-students-submitted-proof-vaccination-deadline/5952420001/>

### • TITLE IX

- College sports NIL is headed for a collision course with TIX  
<https://www.sportico.com/law/analysis/2021/college-sports-nil-title-ix-1234645328/>
- Nebraska state college system approves transgender employee protections amid conservative criticism  
<https://www.highereddive.com/news/nebraska-state-college-system-approves-transgender-employee-protections-ami/609937/>
- The biggest mess <https://www.chronicle.com/article/the-biggest-mess>
- VA senators press for investigation into Liberty U claims  
<https://www.washingtonpost.com/education/2021/11/10/virginia-senators-kaine-warner-investigation-liberty-university/>
- Judge dismisses TIX lawsuit filed by Michigan State Spartan player  
[https://www.espn.com/college-football/story/\\_/id/32452813/judge-dismisses-title-ix-lawsuit-filed-michigan-state-spartans-football-player](https://www.espn.com/college-football/story/_/id/32452813/judge-dismisses-title-ix-lawsuit-filed-michigan-state-spartans-football-player)

### • First Amendment

- University of Florida reverses course to allow professors to testify against state  
<https://www.nytimes.com/2021/11/05/us/voting-rights-florida-professors-testify.html>

- 3 UF professors file lawsuit against the university over alleged 1st Amendment violations <https://www.wuft.org/news/2021/11/09/three-uf-professors-file-lawsuit-against-the-university-over-alleged-first-amendment-violations/>
- State of Michigan employees told how to react to 1st Amendment auditors <https://www.freep.com/story/news/local/michigan/2021/11/09/michigan-first-amendment-auditors-video-public-buildings/6350167001/>
- Many liberal arts students need a lesson in free speech <https://www.insidehighered.com/views/2021/10/28/are-liberal-arts-students-less-supportive-free-speech-opinion>
- Students are poised to protest. Are colleges prepared <https://www.chronicle.com/article/students-are-poised-to-protest-are-colleges-prepared>
  
- **DACA**
  - State House committee hears pitch to give Georgia DACA students in-state tuition: <https://thecurrentga.org/2021/10/21/state-house-committee-hears-pitch-to-give-georgia-daca-students-in-state-tuition/>
  - UW-Madison launches center for DREAMers to support state's undocumented young adults: [https://madison.com/wsj/news/local/education/university/uw-madison-launches-center-for-dreamers-to-support-states-undocumented-young-adults/article\\_f3d0de4b-c994-59db-a445-cd8a89ecd523.html](https://madison.com/wsj/news/local/education/university/uw-madison-launches-center-for-dreamers-to-support-states-undocumented-young-adults/article_f3d0de4b-c994-59db-a445-cd8a89ecd523.html)
  
- **Campus Safety**
  - Bomb threats unsettle Ivy League and Ohio Universities <https://www.chronicle.com/article/bomb-threats-unsettle-ivy-league-and-ohio-universities>
  - FBI state police look to expand threat assessment teams across Oregon to forestall mass violence <https://www.oregonlive.com/crime/2021/09/fbi-state-police-look-to-expand-threat-assessment-teams-across-oregon-to-forestall-mass-violence.html>
  
- **Fraternity & Sorority Life**
  - Indiana University Greek life activities cancelled indefinitely [https://www.wdrb.com/news/iu-greek-life-activities-canceled-indefinitely/article\\_91ccd05a-3dbe-11ec-93a4-9f2702b2092d.html](https://www.wdrb.com/news/iu-greek-life-activities-canceled-indefinitely/article_91ccd05a-3dbe-11ec-93a4-9f2702b2092d.html)
  - Fraternity events able to resume at University of Missouri <https://apnews.com/article/education-missouri-columbia-university-of-missouri-81e8f1cd970440d934e0462729173ee7>
  - Anti-Fraternity protests are sweeping college campuses. This is how we got here [https://www.chronicle.com/article/anti-frat-protests-are-sweeping-college-campuses-this-is-how-we-got-here?cid=gen\\_login\\_refresh&cid=gen\\_sign\\_in](https://www.chronicle.com/article/anti-frat-protests-are-sweeping-college-campuses-this-is-how-we-got-here?cid=gen_login_refresh&cid=gen_sign_in)
  - Ohio Department of Higher Education releases statewide anti-hazing plan as Collin's law takes effect <https://www.wkyc.com/article/news/local/ohio/ohio-releases-statewide-anti-hazing-plan/95-9b722a47-b44b-4ca5-b1c1-1ad894352172>
  - 11 indicted in fraternity pledge's alcohol poisoning death <https://www.cbs19news.com/story/44815411/11-indicted-in-fraternity-pledges-alcohol-poisoning-death>
  - Black women calling out racism in white sororities <https://www.essence.com/news/natalie-wilson-black-sorors-blast-racism-in-white-sororities/>
  
- **NASPA Policy Statements & Sign-Ons**
  - **Sign-On Letters**

- [Letter on Veterans Benefits Legislation](#): This letter urges Committees to craft bipartisan legislation that would (1) extend COVID-related flexibilities granted to Veterans Affairs (VA); (2) provide technical corrections to address unintended consequences of recent veterans' education legislation; and (3) modify VA's "rounding out" rule to ensure that veterans can continue to receive full-time education benefits during the last term of their program. (10/28/21)
- [Letter to Congress to Preserve Investments in Build Back Better](#): This letter urges Congress to preserve critical investments in college affordability and completion in the final Build Back Better package. (10/27/2021)
- [Comments on Public Charge Rulemaking](#): This letter to United States Citizenship and Immigration Services asks that the new proposed rule on public charge reverse several of the problematic provisions included in that final rule so that (1) American students with immigrant family members may access Title IV federal student aid; (2) foreign students, upon graduation, may become legally employed in the United States; and (3) our institutions may provide important social services to our students, families, and communities. (10/22/2021)
- [Letter in Support of the REMOTE Act](#): This letter expresses support for H.R. 5545, the Responsible Education Mitigation Options, and Technical Extensions (REMOTE) Act, which includes important provisions to help ensure veterans can continue to receive their education benefits and provides technical corrections to legislation enacted earlier this year. (10/21/2021)

- **ANNOUNCEMENTS**

- Check the Public Policy Division website for more information including our monthly blogposts on a variety of public policy topics: <https://www.naspa.org/division/public-policy-division>
- Sign up [HERE](#) to receive the NASPA public policy updates.

This monthly newsletter reflects the hard work of Diana Ali, Associate Director of Policy Research and Advocacy for NASPA, and Beth Devonshire of the Public Policy Division and is compiled by the NASPA Region III Public Policy Representative, James Tyger. If you would like to send suggestions for the next newsletter, please email [JTtyger@ufl.edu](mailto:JTtyger@ufl.edu).