

Federal Policy and Advocacy Update

(Provided by the California Community Colleges Chancellor's Office. Information current as of March 2, 2023).

CONGRESSIONAL UPDATE

On February 8th, House Budget Committee Chairman Jodey Arrington (R-TX) released a list of items possibly subjected to cuts as part of debt-ceiling negotiations. Some items on the list would impact higher education, including reinstating work requirements in welfare programs like Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP); requiring Social Security numbers for the Child Tax Credit and income verification for SNAP; and ending President Biden's student loan forgiveness.

LEGISLATIVE UPDATE

Representative (Rep.) Bonamici (D-OR) introduced the *Opportunity to Address College Hunger Act*, [House Resolution \(H.R.\) 309](https://www.congress.gov/bills/118/house-bills/309?s=1&r=32) ([www.congress.gov/bill/118th-congress/house-bill/309?s=1&r=32](https://www.congress.gov/bills/118/house-bills/309?s=1&r=32)). This bill requires institutions of higher education (IHEs) that receive work-study program grants to notify students receiving work-study assistance that they may be eligible for participation in SNAP. The United States Department of Education (USED) must provide guidance to states and IHEs on how to identify and communicate with students who are potentially eligible for SNAP.

Senators Debbie Stabenow (D-Mich.), Chairwoman of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry, and John Boozman (R-Ark.), Ranking Member, are again seeking stakeholder feedback on the 2018 Farm Bill, and input for the 2023 Farm Bill, as the Committee continues its work on the critical legislation that will determine major aspects of agricultural policy for the coming years. Interested stakeholders are invited to submit their comments for the 2023 Farm Bill via the [Committee's portal](https://www.agriculture.senate.gov/farm-bill) (www.agriculture.senate.gov/farm-bill).

The Congressional Hispanic Caucus (CHC) is planning to form an agriculture task force focused on the Farm Bill as multiple Latino members join the House Agriculture Committee. The task force will be chaired by Rep. Jim Costa (D-Calif.) and include Democratic Reps. Tony Cárdenas (Calif.), Darren Soto (Fla.), Sylvia Garcia (Texas), Andrea Salinas (Ore.), Raul Ruiz (Calif.), Marie Gluesenkamp Pérez (Wash.), Salud Carbajal (Calif.), Yadira Caraveo (Colo.), and Nydia Velázquez (N.Y.). Members of the CHC have pushed for immigration bills that would provide earned legal status for farmworkers who come to the U.S.

ADMINISTRATION UPDATE

On February 15th, USED announced first-ever awards, totaling over \$18 million, for the Augustus F. Hawkins Centers of Excellence Program grants to increase high-quality teacher preparation programs for teachers of color, strengthen the diversity of our teacher pipeline, and address teacher shortages. The Augustus F. Hawkins Centers of Excellence Program supports comprehensive, high-quality teacher preparation programs

at Historically Black Colleges and Universities (HBCUs), Tribally Controlled Colleges and Universities (TCCUs), and Minority Serving Institutions (MSIs). From the Fiscal Year (FY) 2022 appropriation for the Fund for the Improvement of Postsecondary Education, Congress allocated \$8 million for the Hawkins Program. USED is also using funds appropriated for the Hawkins Program in FY 2023 to bring the total for these grants to over \$18 million.

USED is revising its guidance concerning the definition of third-party servicers (TPS) and reporting requirements for institutions who contract with TPS entities. According to the guidance, entities are defined as TPS if they perform functions of student recruiting and retention, the provision of software products and services involving Title IV administration activities, and the provision of educational content and instruction.

The institutions that contract with these entities are subject to reporting requirements with respect to the entities, and the entities themselves are subject to annual non-federal audits of the Title IV-relevant functions they perform. Institutions will now have until September 1, 2023, to report to USED any TPS contracts that have not already been reported and fall under the new guidance, which will go into effect on the same day. In addition, USED is extending its comment period for this guidance, adding 30 days beginning February 28, 2023.

Further information about the guidance, including the definition of TPS, is available in USED's [Dear Colleague Letter](https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2023-02-15/requirements-and-responsibilities-third-party-servicers-and-institutions-updated-feb-28-2023) (fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2023-02-15/requirements-and-responsibilities-third-party-servicers-and-institutions-updated-feb-28-2023).

USED is also considering changes to regulations regarding incentive compensation for online program managers (OPMs). USED will hold listening sessions on the current regulations on March 8th and 9th and will accept written feedback until March 16th. A 2011 policy permits incentive compensation for recruitment services so long as it is offered as part of bundled services. Further information about the review is available on [USED's website](https://www.ed.gov/news/press-releases/us-department-education-launches-review-prohibition-incentive-compensation-college-recruiters) (www.ed.gov/news/press-releases/us-department-education-launches-review-prohibition-incentive-compensation-college-recruiters).

JUDICIAL UPDATE

On February 28th, the Supreme Court heard oral arguments on two lawsuits filed against the Biden Administration over its promise to relieve up to \$20,000 of student loans for eligible individuals. An injunction blocking the debt relief plan from going forward will remain in effect until the Supreme Court decides on the lawfulness of the Administration's plan. A third lawsuit, initially brought forth by Arizona's former Attorney General, was dropped by the state's new Attorney General.

Of the two lawsuits heard by the Supreme Court, one was filed by states asserting that the Administration exceeded its authority in forgiving the loans. The other was filed by individuals who found they were ineligible for the debt relief. The Biden Administration asserts that it has the authority to forgive the loans based on a post-9/11 law permitting such executive action during national emergencies. The COVID-19 pandemic constitutes

such an emergency, according to the Biden Administration, which argues that millions of borrowers will face default on their loans if the Supreme Court blocks the debt relief.

The six conservative justices on the Court indicated skepticism over the Biden Administration's authority to grant debt relief without Congressional approval; however, the constitutional principle of standing may push a majority of justices to vote in favor of the Biden Administration. Standing requires individuals who sue in a court of law to have actual injury stemming from the alleged wrongdoing.