

## Federal Policy and Advocacy Update

*(Provided by the California Community Colleges Chancellor's Office. Information current as of October 9, 2023).*

### ADVOCACY UPDATE

During the week of September 17<sup>th</sup>, a delegation from the California Community Colleges, including Chancellor Christian and Board of Governors President Amy Costa attended several meetings in Washington, D.C. with members of Congress and administration officials. The delegation met with Californian Congressional members and officials from the Department of Education, Labor, Energy, and Veterans Affairs to introduce Vision 2030 and discuss opportunities for federal engagement with the California community colleges. The delegation addressed a variety of topics, including climate change, apprenticeships, student aid, and protections for Deferred Action for Childhood Arrivals (DACA) students, among others.

### CONGRESSIONAL UPDATE

On October 3<sup>rd</sup>, the House of Representatives voted to remove Kevin McCarthy (R-CA, 20) as Speaker of the House of Representatives, leaving Rep. Patrick McHenry (R-NC, 20) to fill the constitutional role on an interim basis as Speaker *pro tempore*. McHenry comes into the temporary role based on House Rules, which required McCarthy to draft a list of succession upon his election to the role in January and provide it to the House Clerk. Following the vote, Rep. Jim Jordan (R-OH, 4) and Majority Leader Steve Scalise (R-LA, 1) announced they would run for the Speaker role.

On October 1<sup>st</sup>, Governor Gavin Newsom announced the selection of Laphonza Butler to complete the United States Senate term of the late Senator Dianne Feinstein, which runs through 2024. Butler is the President of the nation's largest organization dedicated to electing women, EMILY's List and was a longtime senior adviser to Vice President Kamala Harris, a labor leader, and an advocate for women and working people. She is the first openly LGBTQ person to represent California in the Senate. She is also the first Black lesbian to openly serve in Congress in American history and the second Black woman to represent California in the Senate following Vice President Kamala Harris. Butler was sworn into office on October 3<sup>rd</sup>.

On September 30<sup>th</sup>, Congress passed, and the President signed, legislation that funds the government at current 2023 levels until November 17<sup>th</sup> while increasing federal disaster assistance by \$16 billion but excludes funding for Ukraine. The legislation was approved by the House 335-91, with most Republicans and almost all Democrats supporting. Senate passage came by an 88-9 vote. Congress will have to pass another funding measure by November 17<sup>th</sup> deadline or face shutdown again.

### LEGISLATIVE UPDATE

On September 5<sup>th</sup>, Congressional Republicans introduced a bill to overturn the Biden Administration's new income-driven repayment plan, called the Saving on a Valuable Education (SAVE) Plan. The USED announced that more than four million have already enrolled in the Biden Administration's new SAVE plan. Senator Bill Cassidy (R-LA) is

leading other Congressional Republicans in the effort to overturn the Plan by using the Congressional Review Act. The Congressional Review Act allows congress to overturn final rules put in place by federal agencies on a fast-track, requiring only a majority vote in both the House and Senate. However, the Democratic majority in the Senate is likely to vote against the measure and President Biden can veto it if passed. According to Senator Cassidy, the SAVE Plan would be costly and unfair to borrowers, would result in fewer student loans getting repaid, and would incentivize students to take on more debt.

## **ADMINISTRATION UPDATE**

On October 4<sup>th</sup>, the Biden Administration announced 125,000 student loan borrowers will have collectively \$9 billion of student loan debt forgiven due to fixes the Biden Administration has made to income-driven repayment (IDR) and Public Service Loan Forgiveness, and by cancelling debt for borrowers with total and permanent disabilities. The announcement brings the total approved debt cancellation by the Biden-Harris Administration to \$127 billion for nearly 3.6 million Americans.

On September 29<sup>th</sup>, the United States Department of Education (USED) released an issue paper laying out its initial set of policy considerations to create a path to debt relief for student loan borrowers in need. The paper identifies five questions about distinct categories of affected borrowers for which the Department is seeking feedback. This includes questions about borrowers whose balances are greater than what they originally borrowed, whose loans first entered repayment decades ago, who attended programs that did not provide sufficient financial value, who are eligible for relief under programs like income-driven repayment but have not applied, and borrowers who have experienced financial hardship and need support, but for whom the current student loan system does not adequately address.

On September 27<sup>th</sup>, USED released the final rule for Gainful Employment and the Financial Value Transparency framework. The Gainful Employment rule seeks to protect students from career training programs that leave graduates with unaffordable loan payments or earnings no better than what someone who did not pursue postsecondary education earns in their state. Certificate programs at all institutions as well as degree programs at private for-profit colleges will be subjected to the rule. USED will determine whether career programs adequately prepare students for gainful employment using two separate and independent metrics, a debt-to-earning rate and a new earnings premium test. The Financial Value Transparency rule sets transparency rules for colleges so students understand the net costs of postsecondary programs and the financial outcomes they can expect.

## **JUDICIAL UPDATE**

On September 13<sup>th</sup>, a federal judge in Texas ruled that updated rules to the DACA program instituted by the Department of Homeland Security (DHS) are unlawful. Judge Andrew Hanen ruled that DHS' new rules, which would have offered permanent protections to DACA individuals, circumvent Congress' authority to pass legislation. Judge Hanen's ruling, however, did not roll back the DACA program as originally conceived by the Obama Administration over a decade ago, nor does the ruling require deportation of DACA individuals, according to the Judge. The Biden Administration may appeal Judge Hanen's

ruling in the famously conservative 5<sup>th</sup> U.S. Circuit Court of Appeals, which is expected to uphold Judge Hanen's ruling. Many DACA advocates have expressed concern about the trajectory of the case, fearing the DACA program may be ruled unlawful altogether by the conservative supermajority on the Supreme Court, if appealed to that level.