

**WACUBO** 



# Rising to the Challenge

2023 WACUBO ANNUAL CONFERENCE



# NACUBO WASHINGTON UPDATE

Liz Clark  
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NACUBO

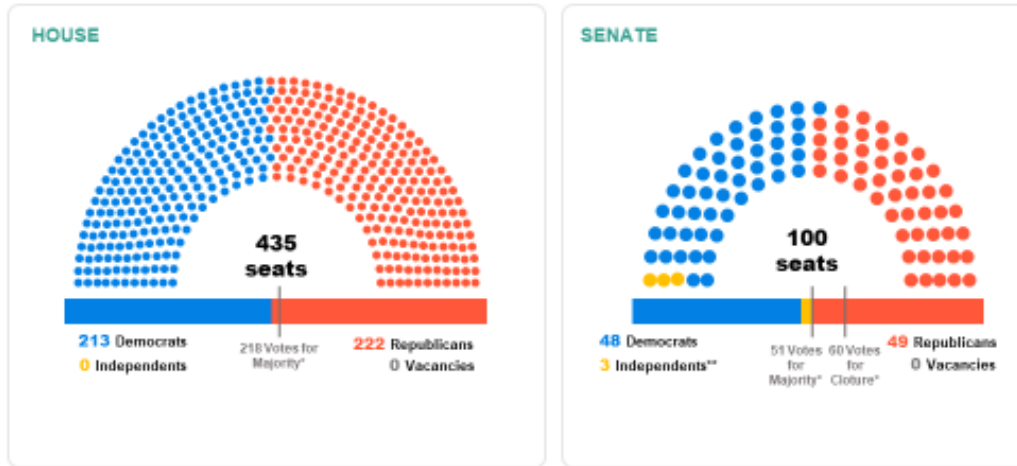


A large saguaro cactus stands prominently in the foreground of a desert landscape. The background shows rolling hills and a sky with soft, colorful clouds, suggesting a sunset or sunrise. A solid red horizontal bar is positioned above the text.

# CAPITOL HILL



# Composition of the 118<sup>th</sup> Congress



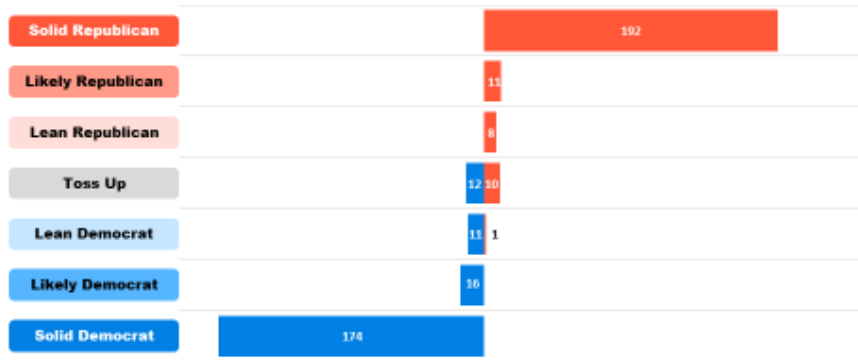
\*If no vacancies and all members vote \*\*Sens. Sanders (VT) and King (ME) caucus with the Democrats; Sen. Sinema (AZ) caucuses with neither party but receives committee assignments from the Democrats  
SOURCE: US Senate, US House Press Gallery  
SLIDE LAST UPDATED ON: 4/19/23

PICTA



# Cook Political Report 2024 House Ratings

As of April 18, 2023, ratings have been released for all 435 House districts.



SOURCE: The Cook Political Report with Amy Walter  
SLIDE LAST UPDATED ON 4/19/23



Tuesday  
November 5  
2024



# Must Pass Legislation by September 30, 2023

- Debt Ceiling
- FY24 Appropriations
- Farm Bill
- FAA Reauthorization



# There are nine confirmed presidential bids for 2024

## Republicans



Donald Trump



Nikki Haley



Vivek Ramaswamy



Steve Laffey



Perry Johnson



Asa Hutchinson

## Democrats



Joe Biden  
(incumbent)



Marianne  
Williamson







Robert F.  
Kennedy Jr.




*\*Biden's announcement included Kamala Harris', who is seeking Vice Presidential re-election on Biden's ticket*

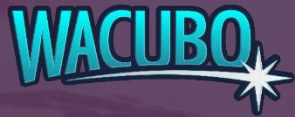


# Top Republicans most likely to announce a presidential bid

Potential Candidate	Current Position	Analysis
 <b>Ron DeSantis</b>	Governor of Florida	As if DeSantis wasn't already a GOP preferred 2024 candidate, his landslide victory against Charlie Crist (D) has all but confirmed his popularity. Many GOP experts and voters alike have made it clear he would be the top viable replacement for former President Trump.
 <b>Mike Pence</b>	Former Vice President of the United States	The biggest hurdle for Pence will be gaining support from Trump voters who aligned him with the opposition towards vote certification in 2020. Two years and a Jan. 6 special committee later, this possibility has shifted from highly unlikely to possible.
 <b>Tim Scott</b>	Senator from South Carolina	Fueling rumors of a Tim Scott presidential bid is an upcoming trip to Iowa, which was the first state to hold presidential primaries until a DNC rule change on Feb. 4, 2023. With Scott's home state now kicking off the primary schedule, his likelihood to announce a bid has increased exponentially.
 <b>John Bolton</b>	Former National Security Advisor to President Trump	In a January 2023 interview with <i>Good Morning Britain</i> , former Trump aide John Bolton stated he is heavily considering a 2024 run to challenge his ex-boss, citing that Trump's support is in "terminal decline." He also stated in a 2022 interview with NBC that he would almost certainly enter the race if 2024 candidates did not publicly denounce Trump's attempted override of the Constitution in 2020.

# Top Democrats most likely to announce a presidential bid

Potential Candidate	Current Position	Analysis
 <b>Amy Klobuchar</b>	Senator from Minnesota	Her recent comments on the campaign trail for various candidates in the 2022 midterms and how well those candidates did imply that her Biden-like stances are much more palatable coming from a younger official like herself.
 <b>Jared Polis</b>	Governor of Colorado	Polis' 20-point victory in a swing state and mix of progressive/libertarian stances is indicative of a larger desire for candidates like himself from voters. He may be the second openly gay candidate to pursue the White House and hasn't dismissed it when asked in recent interviews.
 <b>Pete Buttigieg</b>	Secretary of Transportation	Buttigieg would be a potential front-runner in a field without Biden especially. Combining his experience and "gift of the gab," Buttigieg could again seek out the White House in what could be a more successful campaign than his last.

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# US SUPREME COURT

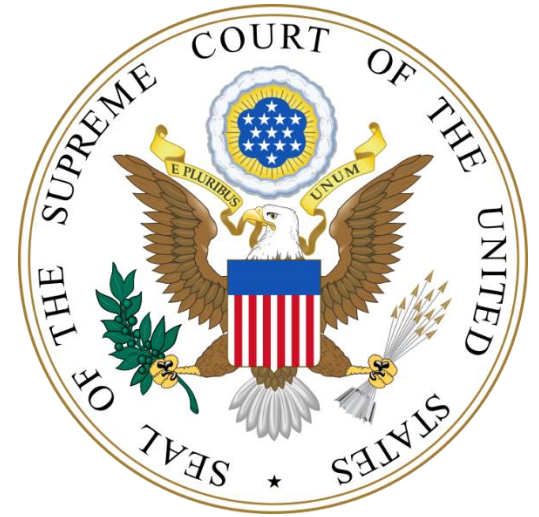
# Admissions Practices: *Students for Fair Admissions Inc. v. President & Fellows of Harvard College*

## Background

- In 2014, Students for Fair Admissions (SFFA) filed suit against Harvard University and University of North Carolina, alleging that their affirmative action policies violate the Civil Rights Act of 1964

## Legal Context

- In 2003, the Supreme Court ruled by a 5-4 majority that universities may use race-conscious admissions policy in order to contribute to a more diverse student body in *Grutter v. Bollinger*
- The Court reaffirmed this decision in 2016 with a 4-3 vote in *Fisher v. University of Texas*, but the composition of the court has grown markedly more conservative since then



# Admissions Practices: Students *for Fair Admissions Inc. v. President & Fellows of Harvard College*, Cont.

## Potential Implications

- A ruling in favor of SFFA could undo decades of precedent holding that affirmative action policies are constitutional
- Universities with such policies may be compelled by the Court to reverse their stance
- Arguments were delivered 10/31/22 to a Court that appears more receptive to revisiting precedent than that which decided *Bollinger* and *Fisher II*



# Student Debt Relief

## Background

- In August 2022, Biden announced a student loan forgiveness plan
- In the time since the announcement, the administration has approved 16 million applications for forgiveness

## Two cases before the Supreme Court

Biden v. Nebraska

- Forgiveness causes financial harm to states and state authorized loan collectors
- ED lacks the authority to forgive this debt

Department of Education v. Brown

- Certain borrowers were arbitrarily excluded from forgiveness
- The administration did not allow proper opportunity for comment



# Student Debt Relief, Cont.


## The latest

- No mention of loan forgiveness in President Biden's State of the Union Address
- Administration has said it is not working on alternative plans
- End of national emergency announced
- Stakeholders weighing in on both sides
- SCOTUS heard oral arguments on February 28

## Upcoming

- A decision is expected in late June
- Continued debate around Washington



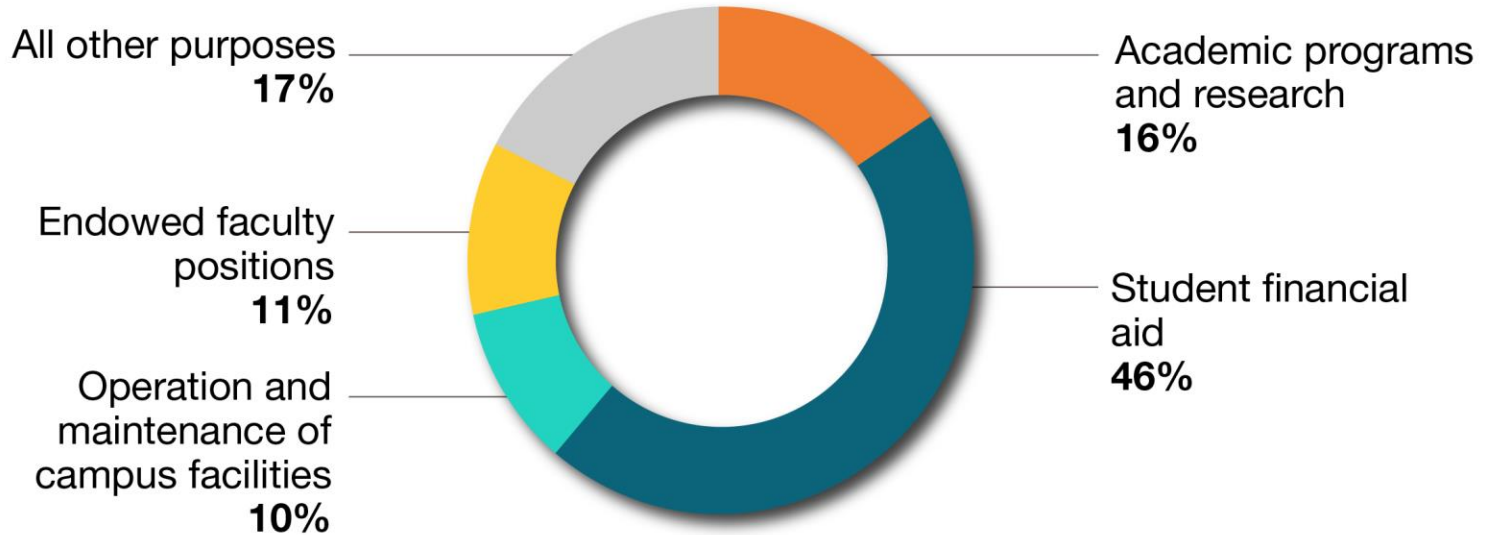
A large saguaro cactus stands in the foreground of a desert landscape. The sky is filled with soft, colorful clouds in shades of purple, orange, and pink, suggesting a sunset or sunrise. The overall scene is dimly lit, with a red horizontal bar overlaid across the middle of the image.

# COMMUNICATING THE VALUE OF HIGHER EDUCATION



# Endowment Spending Supports Students

Percentage spending policy distribution by function type, FY22



**Note:** Values may not sum to 100 due to rounding.

**Source:** 2022 NACUBO-TIAA Study of Endowments, National Association of College and University Business Officers and TIAA, February 2023.



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Business and Finance

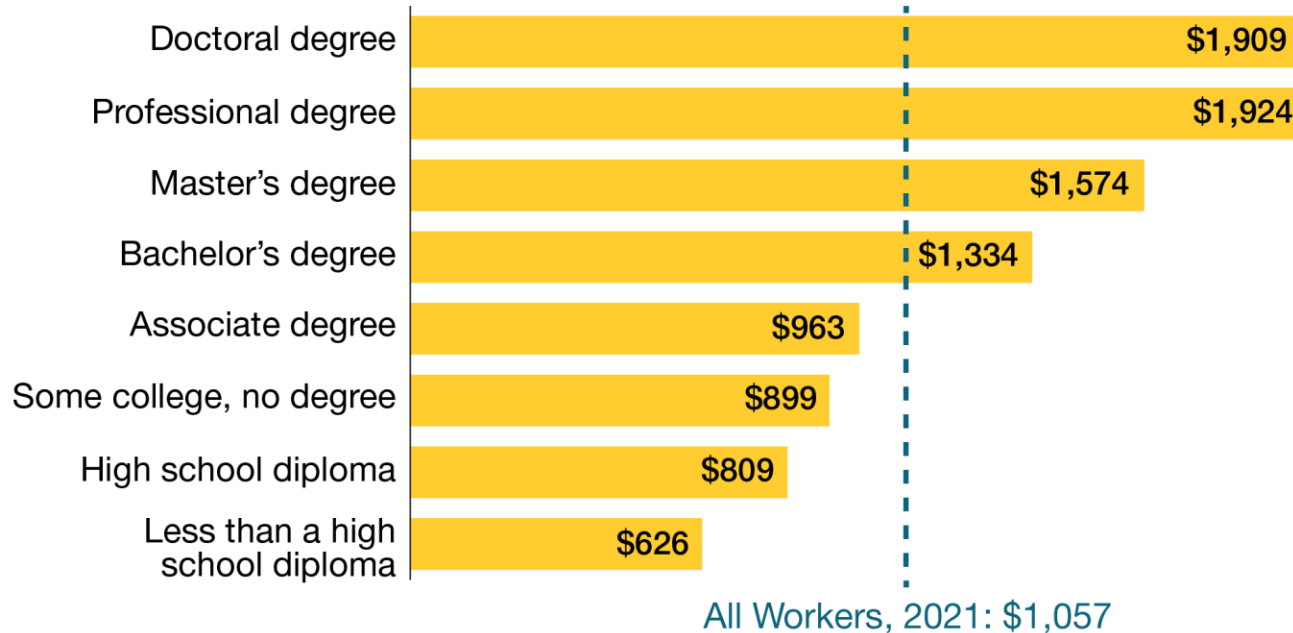


# More Is Possible With Higher Education

- More opportunities
- More prosperity
- More community benefits
- More support
- More work to be done

# Degree Holders Earn Far More Than Their Peers

Median usual weekly earnings by educational attainment, 2021

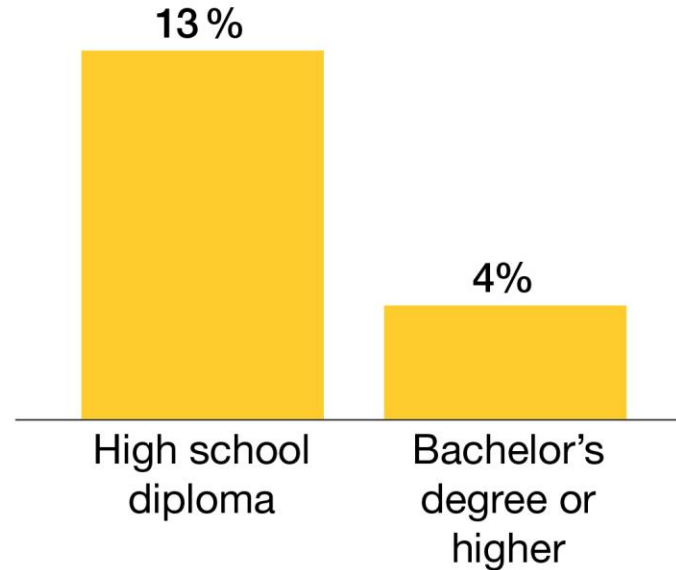


Note: Data are for persons age 25 and over. Earnings are for full-time wage and salary workers.

Source: U.S. Bureau of Labor Statistics, "Employment Projections," Current Population Survey, 2021.

# Poverty Rates Are Three Times Higher for Those With Only a High School Diploma

Percent of individuals age 25 and older living in poverty, by educational attainment, 2021



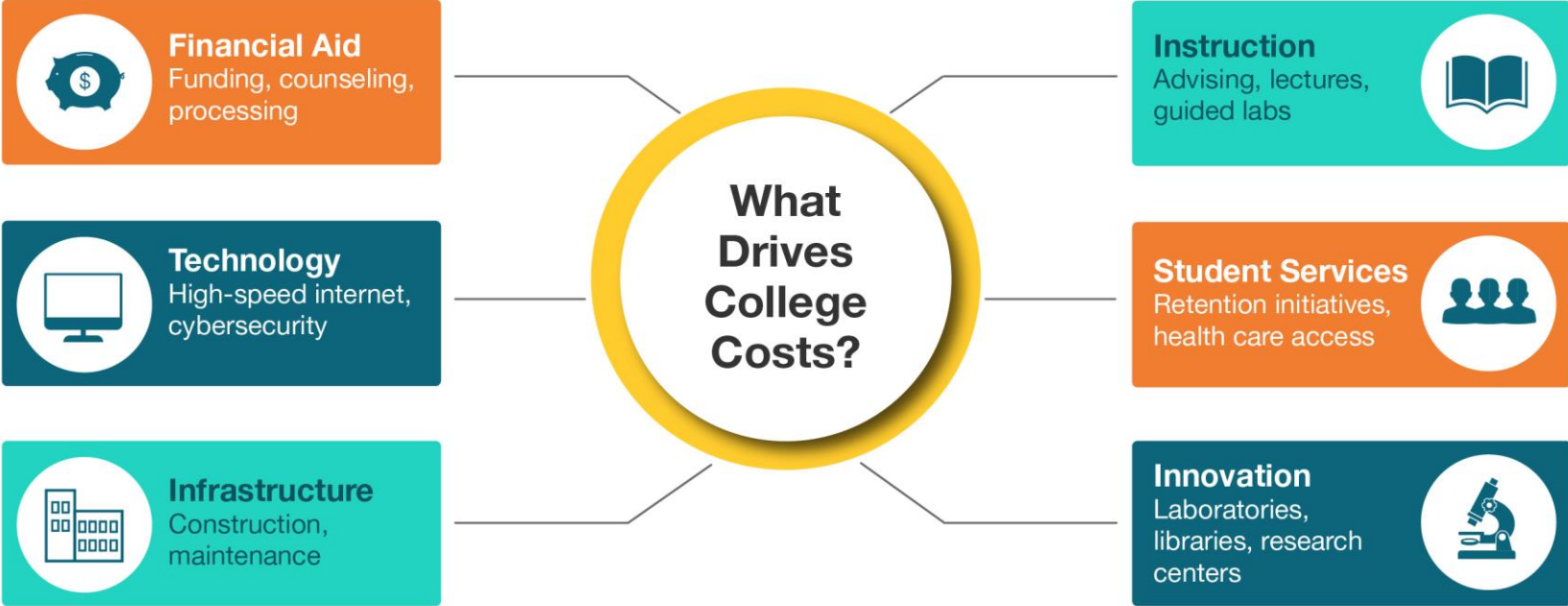
Source: "Education Pays 2023," Figure 2.16A, The College Board, 2023.

# People With a College Education Are More Likely to Volunteer

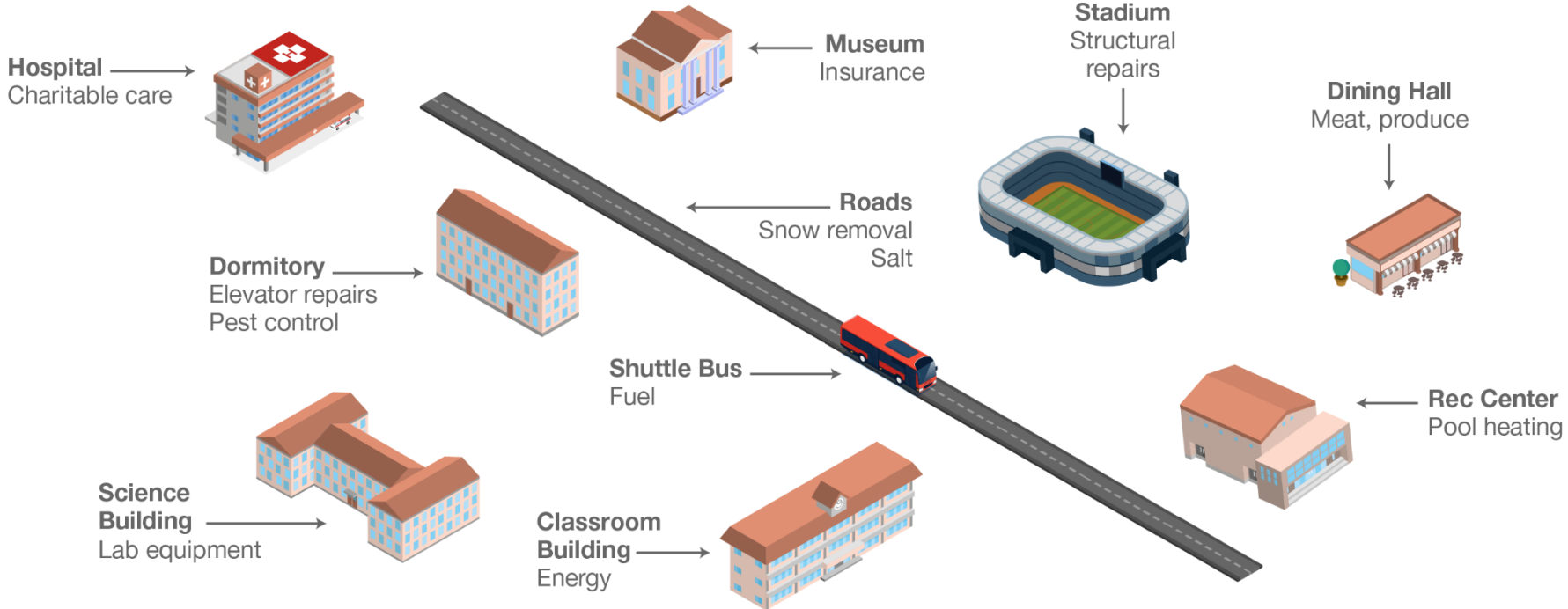


Between September 2020 and September 2021, **32%** of Americans with a bachelor's degree formally volunteered in their communities, compared to **14%** of high school graduates.

# Colleges and Universities Serve Students in Many Ways



# Colleges and Universities Maintain Substantial Infrastructure



Source: Megan Adams, "What Contributes to Rising College Costs?" EAB, June 2017.



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# FEDERAL AGENCIES

# At the Department of Education

## Third-Party Servicers Negotiated Rulemaking

- Federal TRIO Programs
- Accreditation and Related Issues
- State Authorization
- Return to Title IV
- Cash Management
- Third-Party Servicers and Related Issues
- Improving use of Deferments and Forbearances
- Distance Education

## Other Expected and Proposed Rules

- Ability to Benefit
- Gainful Employment
- Financial Responsibility
- Administrative Capability
- Certification Procedures



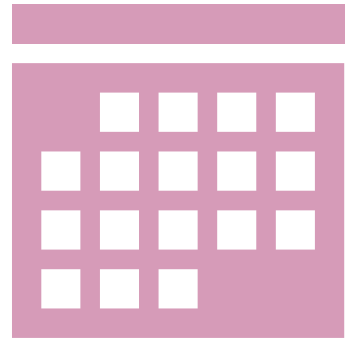
# Also Waiting on Final Title IX Rules...

*Nondiscrimination on the Basis of Sex in Education Training Programs or Activities Receiving Federal Financial Assistance*

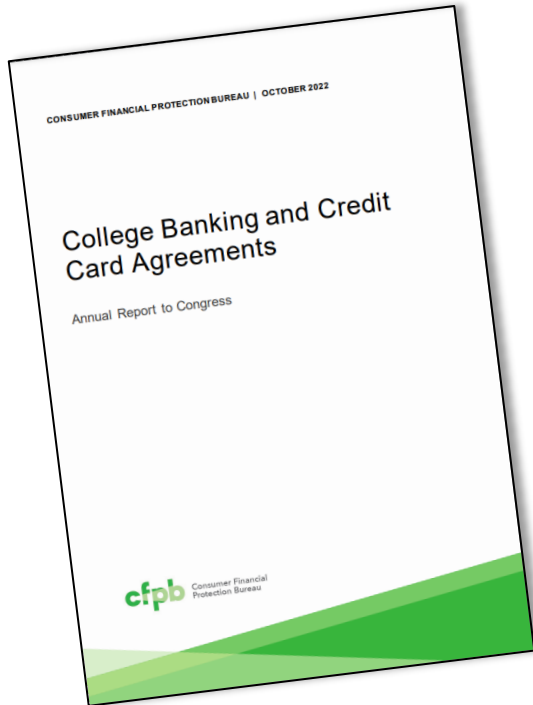
- Proposed regs published 7/12/22
- NACUBO + associations submitted comments to ED

*Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance: Sex-Related Eligibility Criteria for Male and Female Athletic Teams*

- Proposed reg published 4/6/23



# CFPB Report Reminder on Cash Management Rules



- Report on banking/credit card agreements
- ED Dear Colleague Letter (GEN-22-14) **reminding institutions** of “Tier 1” and “Tier 2” arrangements between schools and financial institutions
- Public disclosures and reporting to ED are crucial
- Above all, ensure students have a choice about how they receive their Title IV funds

# NACUBO's Debit Cards and Campus Banking Products Page

- Summary of cash management regulations
- T1/T2 flowchart
- Compliance checklist/timeline
- Safeguarding Student Finances: Guidance for Campuses Offering Student Debit Card Options

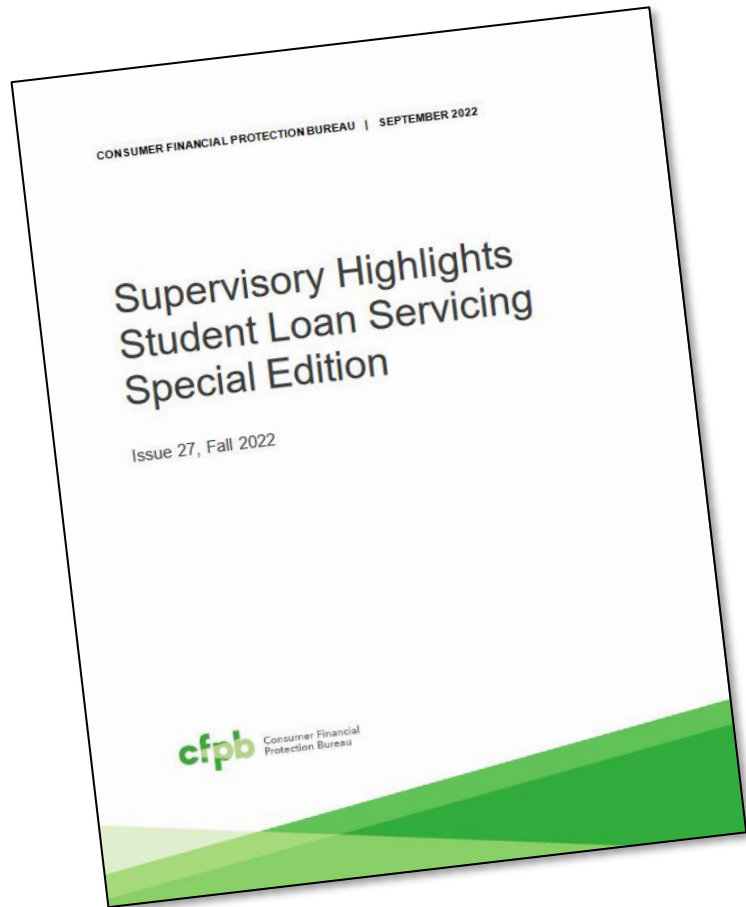


**Bryan Dickson**

Director, Student  
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and Educational  
Programs

NACUBO





## Consumer Financial Protection Bureau Describes Transcript Holds as “Abusive”

CFPB calls for institutions to discontinue withholding transcripts as a blanket policy and has indicated it will “continue to exercise all of its authorities to ensure that servicers and loan holders make consumers whole.”

CFPB appears to only be targeting schools providing institutional loans to students; however, in addition to in-school loans, the agency is including **tuition payment plans**, income share agreements, and loans used to refinance existing federal or private loans as “extensions of credit.”

# DOL Overtime Rule



## Department of Labor to Revisit Salary Threshold

From 1938 to 1975, DOL updated the minimum salary level every five to nine years. Prior to 2019, the last update to the minimum salary level was in 2004, or 15 years prior.



QUESTIONS?  
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