Justin Draeger:
Hey everybody. Welcome to another edition of “Off The Cuff.” I'm Justin Draeger.

Allie Arcese:
I'm Allie Arcese with our communications team.

Megan Coval:
I'm Megan Coval with our policy team.

Rachel Gentry:
And I'm Rachel Gentry with our policy team.

Justin Draeger:
Welcome everybody. Today we're going to be touching on some peculiarities with the impeachment trial happening in the Senate. We're going to talk about whether schools need students’ permission to change or submit any ISIR corrections. We're going to be talking about the House reauthorization bill and a lot more. But first, Allie, let's get to some listener feedback and our fitness challenge. Are you still doing it?

Allie Arcese:
I am.

Justin Draeger:
Megan, how are you doing?

Allie Arcese:
I took Megan along on my workout yesterday.

Justin Draeger:
How'd it go? Could she keep up?

Allie Arcese:
How do your arms feel today?

Megan Coval:
Pretty good.

Allie Arcese:
She did great.
Justin Draeger:
Yeah.

Megan Coval:
I used the lighter weights and Allie corrected my form a few times, which is fine. I asked for her to be the teacher.

Justin Draeger:
But you weren't ... Did she seem like she had attitude when you-?

Allie Arcese:
No. Pascal gets attitude when I try and correct him.

Justin Draeger:
Well that's... spousal relationships are different.

Allie Arcese:
He gets all like huffy, but then later on he thanks me.

Justin Draeger:
Oh.

Allie Arcese:
Yeah.

Justin Draeger:
Yeah. Spousal relationships, I feel like you have to be careful with the critique you're going to dole out. Like which hill are you willing to die on?

Allie Arcese:
Yeah, I'm willing to die on that hill.

Justin Draeger:
Every hill, okay.

Allie Arcese:
I'm like, "Okay fine, go get injured." But anyway, we had some nice feedback from a couple of members. We had a couple more people saying that they were going to join in the activity challenge cause they want to win our swag.
Allie Arcese:
John Garcia said that January rocks and we aired the most recent episode on his birthday, January 17. Happy birthday. It’s also shared with Benjamin Franklin, Betty White, and Mohammad Ali.

Megan Coval:
Those are all good people to share your birthday with.

Justin Draeger:
Are all those people still alive?

Megan Coval:
Betty White is, we know that. I think Benjamin Franklin may be-

Justin Draeger:
Oh, *that* Benjamin Franklin. I thought he meant like the downstairs Benjamin.

Allie Arcese:
So John also wanted to give a shout out to eBay also and he said he's used it lately for less practical reasons but still fun. Looking for vinyl records, mostly Japanese pressings.

Justin Draeger:
I don't know what that is.

Allie Arcese:
I don't know what that is either.

Justin Draeger:
Rachel, you seem to know a lot-

Rachel Gentry:
I don't. Sounds like an interesting niche of the internet.

Justin Draeger:
Thank you for participating, John. As far as January rocking, I acknowledge your birthday, but disagree entirely with ... January is for me like the worst month.

Allie Arcese:
It feels a lot longer. I mean I like January because I'm also a January baby. But, yeah it feels like December is super short and January feels like 50 days long.

Justin Draeger:
On that note, last year ... Your birthday's in January and last year I sent you a birthday card in the mail.
Allie Arcese:
Oh yeah, that never came.

Justin Draeger:
And then in August it came back to the NASFAA office undelivered, like eight months. This is the Postal Service. Thank you, postal service.

Allie Arcese:
Because you have my old address.

Justin Draeger:
Did you get one this year?

Allie Arcese:
I did.

Justin Draeger:
Hey, there you go, great. Oh yeah, January birthday as well, Rachel.

Rachel Gentry:
I actually have a comment, a somewhat funny story to share. I was at another friend's birthday celebration this past weekend and met someone new. Very nice, we're having conversation about how I had a January birthday and she was like, "I've always had so much sympathy for people that were born in January cause like nobody cares about the month of January." And I kind of looked at her and was like, "I like my birthday being in January. I don't need your sympathy."

Justin Draeger:
I feel like the end of December would be worse.

Allie Arcese:
I do wish mine was a little bit later because I'm January 3 and by then people are just like partied out.

Justin Draeger:
Yeah, it is a lot. Nobody-

Allie Arcese:
You could come to my house, we'll just sit on the couch and like eat cake, it's fine.

Justin Draeger:
Any other listener feedback this week?
Allie Arcese:
Yeah, just you know, people joining in on the activity challenge. Which on that note, do you guys remember a few weeks ago when we talked about the most embarrassing way you've injured yourself? And you said getting out of bed, Justin.

Allie Arcese:
So the other day-

Justin Draeger:
I don't remember it, but that sounds right.

Allie Arcese:
This might top that. I really pulled some back muscles the other day pulling up my pants.

Justin Draeger:
Aren't you like ...? So you need to strengthen your back muscles, is that it?

Allie Arcese:
No, it was actually because my hamstrings were, were really tight from a workout. And then-

Justin Draeger:
Wait, where are your hamstrings? Are those times that back of your thighs?

Allie Arcese:
Yeah, but that's tied to your lower back.

Megan Coval:
Were they, not to get too personal, but were they tight pants or tights or leggings? Because I feel like that is a workout ladies. To get on any type of tight jeans or-

Allie Arcese:
No, they were just regular pants and it was just that movement of like sitting up too quickly.

Megan Coval:
Okay so it wasn't the, you know.

Allie Arcese:
No, it wasn't like jumping.

Megan Coval:
Okay, gotcha.
Justin Draeger:  
Yes, you are becoming old, and welcome to the club.  

Allie Arcese:  
Thanks.  

Justin Draeger:  
It's not great. And I feel like now I'm constantly injured. It's just managing injuries. That's my life.  

Allie Arcese:  
Yeah.  

Allie Arcese:  
Yep, anyway. Well you guys! You guys keep saying ... I'm talking to our members here. You guys keep saying you're in this activity challenge. No one's showing us that they're in it. We need to see some proof.  

Justin Draeger:  
So they need to be posting to LinkedIn.  

Allie Arcese:  
No, not LinkedIn.  

Allie Arcese:  
LinkedIn, TikTok.  

Megan Coval:  
Tinder.  

Justin Draeger:  
Tinder and TikTok and, yeah. So, no. Facebook and Instagram and tagging.  

Allie Arcese:  
Or just email us.  

Justin Draeger:  
What if people or maybe they're uncomfortable.  

Allie Arcese:  
Yeah. But you know plenty of options.  

Megan Coval:  
Take a picture of your sneakers.
Justin Draeger:
Oh right, it doesn't even have to be like-

Megan Coval:
Or your watch.

Justin Draeger:
It doesn't even have to be you.

Allie Arcese:
Right, or just tell us like what you did this week. Because we still have zero participation on that end and-

Justin Draeger:
People, I mean to some extent, I guess what we're saying is Allie doesn't trust our members.

Megan Coval:
I saw somebody post, Helen Faith.

Justin Draeger:
She did?

Megan Coval:
Helen Faith out there, I saw you ...

Justin Draeger:
Did she tag NASFAA?

Megan Coval:
I don't know if she tagged NASFAA, but she was definitely like, she went on a run or something and I saw evidence of it.

Allie Arcese:
Oh, okay. Well Helen, you're a winner then.

Justin Draeger:
But this is like every day social media for Helen. She's constantly training for races.

Megan Coval:
But Helen said-

Justin Draeger:
Oh she did?
Megan Coval:
Getting in my NASFAA Activity Challenge. Now I don’t know if she like tagged properly, NASFAA. But she mentioned.

Allie Arcese:
Helen, I have your back, you’re our winner. Congrats.

Justin Draeger:
All right, what does she win this week?

Allie Arcese:
Everyone is getting the same prize. So, it is an “Off The Cuff” mug and NASFAA, like, workout shirt.

Justin Draeger:
All right. Congratulations, Helen. And congratulations Megan, we’d had no idea. So Megan-

Megan Coval:
I got you Helen.

Justin Draeger:
Yeah. Thank you everybody for participating. All right. The big thing happening in Washington, D.C. this week is the impeachment trial happening in the Senate. Are you guys like impeachment out? Are you completely done with impeachment or are you intrigued by this?

Megan Coval:
I feel like once a day I’m trying to get like a digest version of what happened, but I’m not following it super closely.

Justin Draeger:
Okay, so let me ask you a question, Megan. When you go to meetings like you know with other people in the policy community or whatever and you come back and you and I are doing like a quick debrief, what are the types of questions I ask you? It’s okay. Just disclose it. Like what are the things that I would normally ask? Obviously, there’s content like, okay, well what did you talk about?

Megan Coval:
Well usually we start with off of any like a gossip or anything gossip.

Justin Draeger:
Right ... say gossip.

Megan Coval:
But friendly gossip.
Justin Draeger:
Friendly gossip. But like what?

Megan Coval:
Is somebody, like did somebody get a haircut, or was this person missing and they should have been there?

Justin Draeger:
Yes, who was there who sat next to who? Who was upset?

Megan Coval:
Who was there? Did somebody get in a little tiff?

Justin Draeger:
Yes, was there an argument?

Megan Coval:
Yeah.

Justin Draeger:
Who got up and left? Why did somebody behave strangely?

Megan Coval:
Who flipped the table? All that.

Justin Draeger:
So, that seems like gossip, but to me it's not because when you're doing policy work and obviously, we're in politics. Part of it is the content. But the other part of it that I think people get intuitively but don't really focus on is like, you kind of have to know where everybody's lining up. You kind of need to know where the pressure points are. You kind of need to know where concerns are that people aren't voicing and that's all the nonverbal stuff. It's not necessarily a haircut. Although a haircut could signal like a midlife crisis and that could be a whole 'nother pressure point.

Megan Coval:
But it's the relational piece of it. Like who was doing what?

Justin Draeger:
Yes, it's the vibe.

Megan Coval:
The vibe.
Justin Draeger:
What’s the vibe? So I always ask those types of questions and that’s the impeachment stuff for me ... Like we all kind of know it’s a foregone conclusion it seems like. So we knew what was going to happen in the House and leaving aside anybody's personal feelings, it seems like what's going to happen in the Senate has already known.

Justin Draeger:
But what I'm interested in the vibe, so I've been following a couple of reporters who are basically all doing vibe tweets because the impeachment trial is not being fully broadcast as normal congressional hearings would be. So like even C-SPAN was limited in its coverage. And for people who don't know, when you tune into C-SPAN, they are almost always doing close-ups of lawmakers on purpose. So you can't see the empty room that every lawmaker’s giving a speech to. Like nobody is in any of these. Congressional hearings are almost empty. Except for, I mean the audience is there, but people come in and out.

Megan Coval:
Yeah. They roll in and out.

Justin Draeger:
Right. And somebody could be giving an impassioned speech that's going to later show up on their YouTube channel. But if they were to back out the entire galley is empty. Like it's him or her giving a speech to whoever's sitting in the president's chair and in the clerk's chair. So basically, there's a little galley where the reporters can sit and so some reporters are just tweeting out, like so-and-so's passing a note to so-and-so and these two are having a joke and this person's ...

Megan Coval:
Crossword puzzle.

Justin Draeger:
Yes, or there was a whole thing with Bernie Sanders yesterday who ... Bernie Sanders kind of reminds me a little bit of one of my grandparents who is just who he is. Is my grandfather who was, who he was. Didn't matter what setting he was in. So you know, Bernie Sanders is like sighing really and like looking up at the ceiling and just is like behaving the same way you see him in any ...

Megan Coval:
Like a bored toddler?

Justin Draeger:
Eh, kind of, yeah. Just like he's not putting on anything.

Megan Coval:
Not hiding his frustration with the process.
Justin Draeger:
Right, but I think it's the frustration is that the senators are locked in a room out their phones and without their staff for 12 to 14 hours for two to three days straight.

Megan Coval:
In the height of campaign season. So if you're a Bernie Sanders, that's extra painful.

Justin Draeger:
Right, right, right. But first of all, they all never show up for anything. So they're all there and they can do nothing except listen. Now remember the Senate is where the filibuster is these people get paid to talk endlessly and none of them can talk. So this is like a senator's worst nightmare. So this is why I love getting the vibe. And the one thing I learned about this is ... So did you guys hear anything about like in this room they also can't bring any food? They can't have meals.

Rachel Gentry:
They can have water and milk.

Justin Draeger:
Water and milk.

Rachel Gentry:
Why milk? Is it like they don't want calcium deficiencies? Is that ...

Justin Draeger:
So water and milk. That's right. That's the rule. And so there's been this running reporter from CBS News who is just giving milk updates. So-and-so had a glass of milk. So-and-so's on their second glass.

Allie Arcese:
So I don't know if this is like where you were going at all, but did you guys also see this tweet about how normally, you know, reporters who are part of the press gallery can just kind of like come and go as they please, pretty easy access, whatever, in and out of the Capitol and the buildings and stuff. But for the first time there was going to be a metal detector and like security dogs and yeah.

Justin Draeger:
Off limits, yeah. So they couldn't corner senators going to or from the trial. No, I was definitely going towards the milk because why milk? Why milk?

Rachel Gentry:
I saw a funny tweet. It was obviously meant to be a joke, but it had something about how like another tweet about how they could only have water and milk and it was like, "Ugh, the Dairy Lobby at its finest," or something.
Justin Draeger:
Yeah. So this the folklore, I don't know if it's true, but night, January 24th, 1966 Senator Dirksen, who we have an entire building named after Senator Dirksen from Illinois, he was thirsty on the Senate floor. And so in a hearing he said, "Mr. President" who you know, that's how they refer to them, "is it in violation of the Senate rules if the Senator for Illinois asked one of the page boys to go to the restaurant and bring him a glass of milk?" And the Presiding Officer said there's nothing in the rules that prohibits the Senator from requesting a glass of milk. And so then that got enshrined into the tomb, you know that tomb of Senate rules, parliamentary procedure, that senators can have water or milk. But in this instance, the senators have to bring their own milk, check it in, and then they can go drink the milk. They can't just order milk.

Allie Arcese:
So like what if. I don't know, what if you want like a soda or coffee?

Justin Draeger:
Can't nope.

Rachel Gentry:
Chocolate milk? Almond milk?

Justin Draeger:
Not even allowed to have coffee.

Megan Coval:
I wondered about chocolate milk.

Justin Draeger:
Can't have coffee either.

Megan Coval:
But no coffee is a killer.

Allie Arcese:
That's mean.

Justin Draeger:
That's 14 hours of-

Rachel Gentry:
It was like 1:00 AM a couple of days ago. They're going really late.

Justin Draeger:
Yeah. All right. I want to bring in one of our, our NASFAA staffers. David Futrell. First of all, tell us a little bit what you do at NASFAA?
David Futrell:
I'm the AskRegs manager and I do webinars and classes and all sorts of things over in TRA. Publish articles as well.

Justin Draeger:
Under your duties, one of the things, I don't know if it's in there, but when I have a question which I often do about federal regulations, you're a one of the few people I just go and interrupt whatever you're doing and say, "David, I need help with this."

David Futrell:
To your detriment.

Justin Draeger:
Is that in your job description?

David Futrell:
That is my job description.

Justin Draeger:
So we put out an article that generated some feedback from some NASFAA members and it was the question about whether schools have to have a signed statement from a student to update degree level on the FAFSA.

Justin Draeger:
And I'm assuming this is not a new question, like we've gotten this before.

David Futrell:
No, it's not a new question.

Justin Draeger:
So we went to the Department of Education. What was the answer?

David Futrell:
The answer and we confirmed FAFSA handbook guidance that's been around for a while, is that you have to have sign documentation from a student or parent to make all FAFSA changes that are sent to the CPS for reprocessing. That last part being the key, corrections that are sent to the CPS for reprocess.

Justin Draeger:
So, does this include monetary corrections and non-monetary, like things that have that will affect the EFC in no way, also you have to get a signed statement?
David Futrell:
Yep, under the verification regulations you have to submit any dollar item over of $25 or greater and you have to submit a change to any non-dollar items. And those are items that are discovered during verification. So those are verification data elements.

David Futrell:
Question is larger when it comes to all those other data elements that might be conflicting information that you have to resolve. Like grade level, and program level, and degree level.

Justin Draeger:
So those ones generated a lot of comments because it was sort of like, if I learn through the registrar's office or they completed a degree and they're doing something else, like it's clear that their grade level or program level is changed. Do they still have to go to the student and get the signed statement?

David Futrell:
According to the handbook guidance that's been around for a while, yes.

Justin Draeger:
Right and so we're confident that's the guidance because we've talked to the Department about it.

David Futrell:
And we've confirmed that guidance with the Department recently. We also asked the Department what about those other data elements that are not involved in a verification that you have to look at for conflicting information in grade level, and degree completion, or degree program, or part of those data elements that are on the FAFSA and the response we got back from the Department that is the alarming piece, the not known piece of this, is that any changes that are made to the ISIR or FAFSA have to be submitted to the CPS for re-processing. Air go, if you submit it to the CPS for reprocessing, you have to have signed documentation from the student proving that change to the FAFSA. So that's the big piece.

Justin Draeger:
Right, so the schools that have contacted us are rightly concerned about that because is it your sense that most schools would be in compliance with this?

David Futrell:
Our sense among TRA is that a great many schools are not necessarily in compliance with this.

Justin Draeger:
Yeah, I would say ... TRA is our Training Regulatory Assistance area.

David Futrell:
Why would you?

Justin Draeger:
Yeah. I would say most schools are not doing this.
David Futrell:
Right. Why would you, if your school records ... students report grade level and degree program on the FAFSA incorrectly all the time, financial aid administrators know this well. Why would you have to? If you have school records that would obviously override that information, why do you need the student's permission, sorry, signed document to submit that change?

Justin Draeger:
So I think there's like a couple points here. One is when we publish an article like this in Today's News or in our AskRegs Knowledgebase, this does not reflect necessarily our agreement with the Department's guidance or that we are confident that guidance is correct.

David Futrell:
We've confirmed both of these points with Department recently.

Justin Draeger:
It doesn't mean we think it's a good idea or that the policy position of the Department is like the correct policy position, but that is the policy position.

David Futrell:
That is.

Justin Draeger:
So I think what we want to tell members is, because I think a lot of members were like, "This is crazy. This a going to require a lot more work." And it's also-

David Futrell:
It's an unreasonable barrier to students.

Justin Draeger:
It's redundant because we already know that they are in a different grade level. And we would say to all of them, we agree 100%. So what we're trying to do is we're trying to work with the Department to see what kind of common sense leniency we can get built into this, knowing that their guidance was issued in what we probably consider a strict interpretation of regulation.

David Futrell:
Correct.

Justin Draeger:
So people should stay tuned and we will let them know through Today's News when we have an update.

David Futrell:
Absolutely.
Justin Draeger:
All right. Thanks David.

David Futrell:
No problem.

Justin Draeger:
Alright, let's move on. Folks will remember last year we had a lot of action in the fall on a reauthorization bill in the House and haven't heard much about it recently. Rachel, you want to give us an update?

Rachel Gentry:
Yeah, so in October, the House Education and Labor Committee introduced the College Affordability Act. They marked it up, they passed it through committee, and we heard that the bill could go to the House Floor As soon as December before the end of the year. That did not happen with impeachment and a number of other priorities, but just before the new year, the Congressional Budget Office released the score of the bill, which is essentially an estimate of how much the bill will cost. And this is something that has to happen before it goes to the floor. So the CBO estimate came in at about $91.6 billion for the first year and close to $332 billion over 10 years. So that $330 billion is kind of the number you see floating around.

Rachel Gentry:
That number was actually lower than expected. So there had been some estimates floating around throughout the fall that the bill would cost somewhere between $400 and $450 billion over 10 years. So the estimate did come in lower than anticipated, but $330 billion is still a huge number and it has to be offset in order for the bill to really go anywhere. So what offset basically means is that there has to be a way to pay for the bill with corresponding spending reductions or revenue increases. And the bill itself does not raise any revenue and it doesn't cut programs that would give them some money to work with. So-

Justin Draeger:
Is it fair to say, often when they're looking for offsets, not always, but often they're looking for offsets even within the same bucket? So for example, they have to come up with $330 billion over 10 years to pay for this bill. Sometimes they'll look for that within those same programs. I'm not sure Democrats are as committed to that as Republicans, like Democrats could do tax increases presumably, right, to offset $330 billion?

Rachel Gentry:
Right, yeah. So I think like a good example of this in a situation where Democrats were in favor, is the recent passage of the FUTURE Act. There was an offset that actually was kind of a positive, also another positive priority for Democrats, which was the IRS-ED data sharing. And so that was kind of a really unique opportunity for Democrats to raise a little bit of money or to increase their revenues while also accomplishing a priority.
Rachel Gentry:
But yeah, I think this bill makes historic increases in the Federal Student Aid programs. So they're definitely not pulling in revenue from the same buckets and the way that would be kind of an easier path forward.

Justin Draeger:
So, part of the stall here is just, we've got a price tag before this can go to the House floor for a vote. It's, "well, what are we going to do? How are we going to pay for this price tag?"

Rachel Gentry:
Right, and I'll also add that the first year they would need to offset $91 billion. So a huge part of that $330 billion comes in the first year alone and that's a huge amount of money.

Justin Draeger:
Yeah, just to give people some perspective. Right now, we're spending somewhere around $25 to $27 billion a year on Pell Grants. So in that first year you're talking about a three to four time increase to total Pell Grant funding.

Rachel Gentry:
Right, if you think of the entire Department of Education, it was like seven, don't quote me on this, like $75 billion for the fiscal year 2021 Labor-H Bill. So to find $91 billion in one year is-

Justin Draeger:
Is a big ask.

Rachel Gentry:
It's a big hurdle.

Megan Coval:
And I'm thinking like it's not quite the same thing, but for perspective, in years past when we've had the Pell Grant shortfalls, it's been several years since that's happened. But they were usually to the tune of like $1 billion or $2 billion and all the work and head-scratching that went into trying to cobble together what the pay-fors would be just to get to like one or $2 billion.

Justin Draeger:
Right. And the Pell surplus today is running what? Like under $10 billion, right?

Megan Coval:
Six-something, and part of it was just grabbed. So yeah, the magnitude of order here.

Justin Draeger:
$91 billion is a long ways away.
Rachel Gentry:
It’s a very long ways away.

Justin Draeger:
Now presumably you could do this with a tax increase, but that would require an additional committee getting involved like Ways and Means.

Rachel Gentry:
Yes. So basically in kind of talking with folks in the policy community, in order to get this bill for the Floor, it's going to have to go through the Ways and Means Committee because as you mentioned Justin, the Education and Labor Committee, doesn't have the programmatic jurisdiction to find the offset-

Justin Draeger:
Not every committee can just raise it. That.

Rachel Gentry:
Right, so what it means is often the place that these bills have to go through ... but Ways and Means they have authority over the tax code and social security and a number of other things. But they also have their own spending priorities. Everyone is coming to Ways and Means saying "We need money for this and that." And as you can imagine, there's not $330 billion in federal dollars just sitting around waiting to be used. So-

Justin Draeger:
Yeah. And not only that, if you do want to do a realistic bill that would potentially make it through the Senate, which is controlled by Republicans, I would say anything that is a tax increase is almost assuredly dead on arrival.

Justin Draeger:
All right. Thanks for that update of the things happening in the news. This is sort of a crossover, I think, Megan, with secondary education, but gets into gainful employment regulations. You want to catch us up?

Megan Coval:
Yes. So the American Federation of Teachers, which is one of the largest teachers' unions, and I think fair to say, sort of the giants of teachers unions, really a force here, announced this week that they are suing Secretary of Education Betsy DeVos for her repealing of the gainful employment role.

Justin Draeger:
They're reaching into higher education policy.

Megan Coval:
Yeah. So they're getting into higher education a little bit here and the legal grounds that they're at least basing this on is saying that the repeal was done in an arbitrary and capricious way, meaning that
they're arguing the Department really didn't have a good reasoning for repealing gainful employment and also didn't offer an alternative. So basically, they're saying she just deleted it and didn't offer any type of reasonable alternative. So that's sort of big news for this week.

Justin Draeger:
Also, I imagine the Department's response is going to be, "Yeah, we did. It's going to be more disclosure."

Megan Coval:
Yeah, their spokesperson already said that transparency is what we're replacing it with. This is going to be more of a buyer beware and this will ultimately be better for students is what they're contending.

Allie Arcese:
And then the teachers’ union, I imagine is going to come back and say there's been no research to actually show that providing more disclosures does anything to influence student behavior and like round and round in the same circle that we always go in.

Justin Draeger:
Allie, I get a knot in my stomach because this never ends. In fact, when the Obama Administration proposed gainful employment, there were lawsuits brought for the exact same reason, which was that the metrics they provided were arbitrary and capricious.

Allie Arcese:
Yeah. And that's why the first one, whenever it was like 2010 or 11 like-

Justin Draeger:
Was redone.

Megan Coval:
But yeah, more lawsuits for the Department of Education, for Secretary DeVos.

Justin Draeger:
So let me ask you a question. When you go out on the speaking circuit, Megan, and people say "Hey, is gainful employment coming back?" I'm just curious, what do you say?

Megan Coval:
I say not for now. We'll see who ends up being President in 2021.

Justin Draeger:
Right, and-

Megan Coval:
Because that's a big piece of it.
Justin Draeger:
Right, so regulation, not statutes, so the President can ... But then also lawsuits like what happens ... So we're going to have a court ruling on this eventually. Then whoever, it'll probably be appealed. If the teachers' union loses it will be appealed.

Megan Coval:
There will be stays, and yeah...

Justin Draeger:
Then it will go another court, then we'll go to a higher court. And I guess the answer with gainful employment is that until this is settled, like in statute, which is what we've said from almost the beginning, 10 years ago. This needs to be settled in statute, otherwise it will always be a ping pong match.

Justin Draeger:
We also have some news on the presidential election front. Senator Klobuchar?

Allie Arcese:
Yes. Senator Klobuchar from Minnesota released a new ad on Wednesday. It was like a 30-second commercial in which she talked about her priorities for her first 100 days should she be elected president. One of the things that flashed across there was to fire Betsy DeVos, which-

Justin Draeger:
Wait, do we have audio of this? All right, can we listen to this for just a second?

Commercial:
100 ways to restore decency, opportunity. And hope. My entire 100-day plan for America won't fit in a TV ad, but let's give it a go. Rejoin the climate agreement. Lower prescription drug costs, address mental health and addiction. Fire Betsy DeVos, expand VA benefits, protect voting rights-

Allie Arcese:
Okay, so Joelle posted this in our podcast Slack channel and at first I looked at that and I was like, "Oh, interesting." But then I thought about it for a second and I was like, "That is ... Sorry, but that's really stupid because obviously whoever the next president is, is going to have their own cabinet." Like even if President Trump were to be reelected, he could choose a new cabinet.

Megan Coval:
He chooses a new cabinet every four or five-

Justin Draeger:
Especially President Trump who's had more cabinet turnovers than probably any other modern president.
Allie Arcese:
So I was like, you don't have to fire Betsy DeVos in your first 100 days because she's not going to be-

Justin Draeger:
That said, okay, hear me out on this. Secretary DeVos in my opinion, has been subjected to more maybe, mistreatment from the President than other Cabinet secretaries and still shows up as a dedicated-

Allie Arcese:
Well, how so though?

Justin Draeger:
Because he publicly says nasty things about her or has in the past.

Megan Coval:
He undercuts things she says.

Justin Draeger:
One day, he undercut her on the very exact ... Within 24 hours on the Special Olympics.

Megan Coval:
On that Special Olympics thing. That would've pushed me right out the door.

Justin Draeger:
She's defending his OMB for a proposed cut and the very next day he undercuts her without even, looks like, giving her a heads up. Maybe she still shows up to work in January to whoever. It doesn't matter who wins. And then there is really a fire-

Allie Arcese:
You mean because it's been like drilled into her head.

Justin Draeger:
Maybe you could chalk it up to, she's so dedicated that she just keeps coming. I don't know.

Megan Coval:
I think from a political standpoint it was a smart move from her team because as we mentioned last week, she's a lightning rod. And I think there's ... I would think reasonably, many people who might not realize that a president might come in and pick their whole brand-new cabinet.

Justin Draeger:
So it's smoke and mirrors, but you think it might work on sort of the folks who don't pay attention.

Megan Coval:
Yeah, 100%.
Allie Arcese:
So there was a story about the ad in the Washington Free Beacon and in the story it also says that this sort of like calls back to when representative Eric Swalwell was still running, told the New York Times he would fire Jared Kushner on his first day in office.

Justin Draeger:
Like for people who don't know, if you've never seen an episode of ... ever watched the West Wing or any other-

Allie Arcese:
It's like that's not how it works.

Justin Draeger:
The entire political appointee, echelon of an administration, mass exodus happens like within December and January. Like everything changes hands. That's why like nothing happens in those two months. So it's a little smoke and mirrors, but-

Megan Coval:
Isn't politics though-

Justin Draeger:
Smoke and mirrors?

Megan Coval:
A lot of it is.

Justin Draeger:
Yeah. I mean that's probably true. All right. I have a philosophical question for you, that was posed in the New York Times and it does tie into student aid. This can be part of our listener question to this week. I'm just curious what people think, but I want to know, not legally, when you became an adult, but what was the age or what was the sign to you that you were like an adult?

Allie Arcese:
When I got off my mom's health insurance.

Justin Draeger:
So that was like, "I'm no longer being supported now. I'm completely independent. Hashtag adulting."

Allie Arcese:
Yeah, more or less.

Justin Draeger:
Okay. How about you?
Megan Coval:
I think whenever in grad school, and I went to, I feel like this part's important, went to grad school right after undergrad, so I was still in my early twenties, but I just remember really feeling like hit in the face with how much groceries cost. I know this is like one of those things, but I remember commenting to my mom like "Groceries are really expensive," and she was like, "Yah." And I just remember that being a thing. Like, "Oh, like I need to think about like what I'm going to eat each week and like not buy too much." Before I was just like, food was there and whatever.

Justin Draeger:
But it sounds like, similar to Allie, it was like a financial reality for you.

Megan Coval:
Yeah, yeah.

Justin Draeger:
All right, Rachel?

Rachel Gentry:
Yeah, I think mine is financial too. I remember getting my first like property tax bill. I don't know from like the State of North Carolina on my car.

Justin Draeger:
Oh yeah. It was like personal property.

Rachel Gentry:
I was like, "Oh my gosh, I didn't even think about this." Like I prepare spends groceries and like gas and like other things, but I was like to pay for this thing I already paid for like this is ...

Justin Draeger:
I feel like that's right. As I transitioned into adulthood, there were so many fees and taxes, I had no idea existed.

Rachel Gentry:
It's like the origination fees of life. You're like, I didn't even know that.

Justin Draeger:
It was impossible to create a budget because it was like, I'll be hit with something I have no idea exists.

Rachel Gentry:
Exactly.

Justin Draeger:
Well, there was this question posed in The New York Times because a state senator from Vermont, his name is John Rogers, he proposed legislation to prohibit cell phone use to anyone under the age of 21.
Allie Arcese:
Stop.

Justin Draeger:
And it's obviously a gimmick. This is not a real legislative proposal, but he was trying to highlight something. This discrepancy in our country about when somebody is an adult. And I think this does tie into student aid because as we're talking about free college and we're talking about who should get free college and do we take into account people's assets like is 24 the magical age when people are considered independently from their parents or not?

Justin Draeger:
The thing he's trying to highlight is that in this country at the age of 18 now, you could run for office, you could be in a court of law as an adult and receive life in prison. You could be drafted or volunteer and go to war, but you can't smoke or vape. You can't drink a beer. And in Vermont you can't purchase a gun.

Allie Arcese:
You can't rent a car without extra charges.

Justin Draeger:
Right.

Megan Coval:
That's right. Yeah.

Justin Draeger:
Yeah. And so there's this discrepancy, and I started thinking about this because in student aid, this constantly comes up, this idea of dependent versus independent.

Justin Draeger:
When you become legally an adult, most of those are actually set by state law, not federal, which I did not know. And so that's why you have sort of different laws. And I went back and just looked at this, the end of prohibition in 1933, most states at that time set the drinking age to 21 which at the time was the legal age to vote. So, then the legal age to vote was lowered to 18 and most states followed suit. And so drinking began at 18.

Justin Draeger:
Then it was 1984 when Ronald Reagan started highlighting the drunk driving and the drugs. And so to get states to increase the drinking age to 21 he tied it into highway funding. So you couldn't get federal highway funding if you didn't increase your drinking age.

Megan Coval:
I had no idea.
Allie Arcese:
I remember learning about that exact thing, history class in high school because my teacher was talking about how he used to be able to drink at 18.

Justin Draeger:
Right. And most countries, at least Western countries you can drink at 18 or 16. Again, the point being is like when you're an adult and when you can make decisions is all over the map. So then I was like, well what about scientifically? When scientifically are you an adult and scientists point to most neurological development doesn't like fully wrap up until you're 25. Earlier for women.

Megan Coval:
Wow, 25?

Allie Arcese:
It's different for men and women.

Justin Draeger:
Earlier for women longer for men. So the average is around 25, but for men it might be 26, 27.

Allie Arcese:
And that's probably why people say men mature more slowly.

Justin Draeger:
They do. Yeah, absolutely. And also, why I tell my daughter, do not get married before 27. Like let the brain fully develop.

Megan Coval:
Unless he's older than you.

Justin Draeger:
So anyway, the point of all this is we're talking about ... There's all these like big questions, I feel like we're trying to answer in the next reauthorization, and it may be even the one after that. Like when is somebody dependent or independent? What should we take into consideration? Are people born equal or are they born into different circumstances? And then how do you effectuate sort of an equal opportunity outcome for everybody, taking into consideration the benefits or detriments that people are born with?

Justin Draeger:
And we can't even figure out when people are adults. So, anyway, I was thinking back to my-

Allie Arcese:
Nice segue back into student aid.
Justin Draeger:
Doesn't everything you read go back to student aid because we've done this for so long? Like I can't help but marry any concept back into student aid. So I'd be interested in any listeners that want to share, like what was the benchmark in your life when you were like, I'm an adult now and then, I'd be interested ... It's all over the map. It's 18, it's 21, is it 25? Is it 24 for FAFSA purposes? Like where is the magic cut off?

Allie Arcese:
That is something that seems arbitrary and capricious.

Justin Draeger:
Well, I'll tell you, we could never find in our HEA work, and I think we did this during RADD, re-Imagine Aid Design and Delivery. We tried to find the history of where that number came from. We could never do it. The only thing we could reconstruct was that 24 if you went to college rate at 18 that was 150% of an undergrad degree.

Rachel Gentry:
That's what I was told when I was doing like college access work. Because my students would be like, "Why 24?" And they told us to say that ... six years is kind of the average.

Justin Draeger:
But we could never find actual logic where that was ever stated.

Justin Draeger:
All right. Thanks everybody for listening. Remember to subscribe. Tell a friend, post on social media the fitness challenge...

Allie Arcese:
Give me some proof.

Justin Draeger:
And you will get some NASFAA swag.