Hey everyone. This is Justin, welcome to Off the Cuff. Before we get into our regular podcast, I had talked this week to NASFAA's Diversity Chair, Craig Slaughter, just about everything that's going on. We talked about the organization, the board's commitment to our diversity inclusivity statements. And I thought it'd be helpful if maybe Craig you joined us. So thank you very much for coming along. Do you want to just introduce yourself briefly to all of our listeners?

Sure. Thanks Justin. And hello NASFAA members. My name's Craig Slaughter, I'm Director of Financial Aid at Kenyon College, a small rural private liberal arts college in Central Ohio. This is my second and final year in the role as a NASFAA's Diversity Officer. And it's been my privilege to do this, but it's also been a challenging time as we think through what's happened, especially in the last few weeks related to race relations and police brutality and all the things that are going on. So I'm glad to be able to talk about that a little bit right now.

Yeah. And I'm really glad that you could come on Craig. Let me just ask you a question, just how are you feeling? What is the overall sentiment? How are you doing?

Me personally it's like I'm part of this family group text that shares things with each other. And so in my family there's lots of concern. Lots of is this really going to get better? How can this get better? And so what's our trajectory and there's a lot of, I wouldn't say hopelessness, but there's just a lot of angst around where we are as a country and how things have progressed. And don't get me wrong, there's been a lot of progress in the last few decades since the civil rights movement. But there's still so much more that we need to do as a country. And right now it just seems like there's so much still in the way.

Yeah, I think that that describes it. For my part, it just sort of feels very heavy and it's felt heavy for some time. And it feels like there's just this sort of weight that hangs over everything, punctuated by periods of somewhat normalcy. And I don't know how it is, you're at a small but mighty liberal arts school in rural United States, rural Ohio there, and I'm here in DC and we're having marches and protests every night and have had for several nights. So there is sort of a way to funnel some of the heftiness that is surrounding these issues of police brutality and black lives matter. And just sort of this enough is enough. And so there's some ways for me to funnel some of that. Yesterday I went out and walked a few blocks with some of the protestors. I just wonder Craig, for those of folks who ... and we know these protests are happening everywhere, what do you think are some constructive ways that people can pour what they're feeling into action in some way?

I think it's a great question, Justin. And as I think about, particularly in rural America, where I live, it's easy to sort of not pay attention and that's a danger, I think. And so when I look at colleagues, if I venture out and go to the grocery store and there are some folks whose lives are just going on as
normal. And I think it's just important to remember that it isn't normal for so many of us in this country. The first thing we can do is just be educated, educate ourselves about what it is and how we got to where we are. I think some folks can look at these senseless deaths and this is why, you see it in video and you know, yeah, that's not right. But these are things that have been part of our fabric in this country for centuries. And so really to just sort of educate yourselves, particularly if you're not black or brown, on why we are where we are today. I think it's sort of the first place to start.

Justin Draeger:
Craig, I really appreciate that. And speaking as a privileged white man over here, I'll just share one thing about this. It was a couple of years ago now. This might've been after the Michael Brown shooting in Ferguson. I'm trying to think if that was the impetus for black lives matter, but I do remember if I reach out to my family who live in different parts of the country in rural America, there was sort of this ... as black lives matter was starting to ramp up, this counter thing of all lives matter or blue lives matter. And you just talk about educating yourself. And I remember at the time thinking, "Well, yeah. Okay, that makes sense. All lives do matter."

Justin Draeger:
But then as I delved deeper into this, and I particularly remember the writings of, I think it was a sociologist at Princeton who did some writings in the New York times and other places who talked about, yes, this is obviously all lives matter. That's not a question, but the issue is that there is a group of people, even if it's not happening in your community like if you live in a town of 200 people versus a Chicago, or a St. Louis, or DC, or Minneapolis, but there is a group of people who are facing oppression, whose house is being set on fire.

Justin Draeger:
And by not focusing on the fact that black lives matter, if you take attention away from that, you are negating the very real and acute systemic forms of racism that are just built into some of the systems. And that sort of educational piece was helpful for me because it resonated. It said, yes, I can be an ally of a movement like black lives matter and I can put my money there, I can put my mouth there, I could put my actions there. And that doesn't mean that I devalue any other life. Those things are not mutually exclusive.

Craig Slaughter:
Exactly. Black lives matter doesn't mean other lives don't matter. It's just calling attention to this particular crisis. There are systems in place that devalue in some ways the lives of black and brown people. And so I've found something recently where it says, "When we say save the rainforest, it doesn't mean that other forests aren't important, or when you donate to support cancer research, that doesn't mean screw diabetes." I mean, it's not an all or nothing. It's not a zero sum game here. So black lives matter certainly is calling attention to something that's systemic, not an individual random act of violence, but systemic violence in our society.

Justin Draeger:
Yeah. So building on the things that you talked about, educating yourself. What are some of those other things that if people are ... they feel this smoldering desire to do something, what else can they do?

Craig Slaughter:
I think you can demand accountability from your legislators of law enforcement. I think really calling a legislator and saying police enforcement needs to be accountable. I mean, I'm not in any way anti-police at all, and my brother is a cop and so I do understand the dangers that police and law enforcement put themselves in every day. But I think there has to be the appropriate training. There has to be important value of all the encounters that police come into contact with. We've got to figure out a way to make sure that that law enforcement is accountable.

Justin Draeger:
Yeah. When we say systemic racism, and you just mentioned your brother is a police officer. I have family that are police officers. One of my cousins was even a chief of police in a small community. I wouldn't say any of them are racist, but it would be ignorant for us to believe that every person carries some implicit bias that requires attention. You really have to delve into that bias to understand your biases. You can never combat a bias unless you acknowledge it first. And then the second thing is, and there are systems in place that are biased. And what you're getting at is a systemic change. It's saying we need to rebuild or rethink how we've built policing or criminal justice. That's a systemic change. It's not pointed at any single individual.

Craig Slaughter:
Exactly. That's right, Justin. I really avoid labeling people as racist or not racist. I don't think that's very helpful to the conversation, but I think we can point to actions. We can point to policies that are either racist or anti-racist. So as I think back to the president saying that he's the least racist person that he knows, that's not really helpful or constructive. And when really we need to look at what are your actions? What are your policies? Are the actions or policies racist or anti-racist?

Justin Draeger:
Yeah. I agree with you, it misses the point entirely because ... This is certainly not going to be true for everybody. But okay, acknowledging that I not in any way overtly consciously racist. I can't remember in my adult life where I've actually been in a situation where I'm seeing overt racism in front of me. Because in those scenarios would be sort of easy to say, "Well, I would stand up. Of course, if that's what's happening in front of me." But the issue is when it's systemic, it's harder to put your finger on. It's happening in ways that are interwoven into all parts of life. I think about if you are a person of color and the calculus that you have to do, when, if we just look at some of the shootings, going for a jog, or if your child is playing with a toy gun, as we saw in Cleveland. With Trayvon Martin, it was like if you're wearing a hoodie. This is systemic, it's not about individual right in my face, something racist is happening that I need to intervene.

Justin Draeger:
I'm sure that certainly happens, but when we're talking about the president or us, and we're talking about systemic change, and we have to think about structures.

Craig Slaughter:
Right and absolutely. And so it sort of reminds me that all of these small little, I mean, we call them microaggressions for a reason, but they're little things, little slights that just go unchallenged in society. And I think what it does is it sort of bolsters a collective tolerance for racism. Every small little thing just sort of builds up to that society in whole has just a high tolerance for small racist acts. And so when we
see something that, oh, wait. No, that crossed the line. Well, we were approaching the line all the way up to that point.

Craig Slaughter:
And so I think we need to figure out ways to look at the systems and to challenge whenever we see even small things to be able to step up and say, "No, that's not right." And if taking it back to our offices, let's look at what policies that we have, how do students fill out forms? How do we apply for applications? And try and identify and mitigate any kind of unconscious bias that may be in play. And so that we're really looking at removing those barriers and removing any opportunities to the best of our ability to any implicit bias that might be present there.

Justin Draeger:
Yeah. So I like that idea because there might be systems that are not based on anything related to race but still impact folks from different races differently based on what .... Even I think about schools that all went to remote work.

Craig Slaughter:
Yeah.

Justin Draeger:
What if there are certain jobs that are more difficult to do remotely, and most of the people in those jobs come from a certain background or race or ethnicity, then the policy wasn't created with race in mind, but there's a disproportionate impact. Those are the sort of like, how do we think about how what's happening around us is impacting, in a social justice way, students or our fellow coworkers or those around us.

Craig Slaughter:
Right, exactly.

Justin Draeger:
One of the things I've really appreciated about you, Craig, is that you've done a lot of work with our diversity toolkit and keeping it up to date. There's some tools in there about implicit bias and how people can explore in a safe way their own biases, which then allows you to deal with those. I'm wondering, as a profession we're sort of in social justice work dealing with college access and success, what do you think we can do as a profession here to pull together or through our state or regional or national association?

Craig Slaughter:
Certainly our associations need to be sure that we've got this diverse pipeline. And so, one of the things in the diversity toolkit is about identifying and reaching out to make sure that diversity is represented in the leadership within our associations. And it's not just diversity that you can see, but it's diversity of thought and ideas. What that does is it helps remove those blind spots that we might have. So you might imagine that we all bring our own biases to any kind of meeting or any kind of decision making. And I think the more diverse the inputs that are going into that decision, I think that you can have a better chance of reducing those blind spots.
Justin Draeger:
Yeah. And so whether we're talking about a committee that's discussing a public policy, whether we're
talking about a governance committee or finance, or people with different backgrounds, different
perspective, lived histories, it's valuable to have them at the table. And I know at NASFAA, we have work
to do in this regard in terms of our own board of directors and leadership. And I know this is something
that comes up at the board level quite a bit, but we have work to do here.

Craig Slaughter:
Absolutely. But I think one of the things that we're doing is going out and identifying where we can
support and engage members from diverse backgrounds to be part of this profession and lend their
voice and their ideas and their perspectives to help all of us.

Justin Draeger:
Yeah. What other points Craig, haven't we talked about that we want to raise here?

Craig Slaughter:
I think other things that we can do individually is to not shy away from speaking up in our own circles.
It's easy when you see something egregious happening to maybe say something, but if something small
happens to really go ahead and speak up. I think one of the challenges is that silence can in some ways
mean that you have some implicit support. If you're not saying something, then maybe you're silently
supporting it. And so I think it's important that whenever we see actions or policies that either are racist
or have racist outcomes that we identify and speak up.

Justin Draeger:
Yeah. Craig right now it feels like being not racist yourself isn't enough for the times that-

Craig Slaughter:
It's not enough.

Justin Draeger:
It's not enough for the times that we live in. It takes more. It requires action so that people know where
you stand and that you're an ally, that you're here to support dismantling some of the racist systemic
machines that exist in our society.

Craig Slaughter:
Exactly.

Justin Draeger:
Okay. What else?

Craig Slaughter:
I mean, like you did, Justin, I think it's important to join a protest if you can do it safely to show
solidarity. I think you can donate to local advocacy groups, if you're able to and you have the means to
do that, to support policies or just for groups that are really trying to undo those systemic policies and those systems in place that keep people down.

Justin Draeger:
I appreciate that, Craig. And to some extent, I'll just say, we talked about at the front of this, just sort of how we're feeling about all of this and the conversations we're having with friends and family, and the fact that everything is so unsettled right now is in and of itself I think a good thing. Feeling unsettled about something that is wrong is good. That's good. I feel like that's what we would want. We don't want to be so callous or so blind that everything's normal.

Craig Slaughter:
Right. My hope and prayer is that these actions ... I mean, one of the diversions I think that are out there is focusing on the small percentage of things where people have co-opted these protests and are damaging property and threatening lives. And that's just such a small fraction of what's going on that you don't want that to be a distraction from what the root cause is, the root issue is that people are protesting about is that people want change. And so let's not lose sight of that.

Craig Slaughter:
I just want to thank NASFAA for all the work that we do as a profession advocating for students and student aid and with legislators. And I think that's important work, but as we can walk and chew gum as they say at the same time, and we also need to focus on issues of social justice and combating inequitable policing, and making sure that this is a country that's home for all Americans.

Justin Draeger:
Well, Craig you've played an important role and will continue to do so as part of NASFAA's intellectual and conscientious powerhouse. And really thank you for your leadership, especially during these really troubling times in our country. And I think we're both looking forward to more just, equitable and better days in the future.

Intro:
Off the Cuff is supported by the annual dues paid by NASFAA members at nearly 3,000 colleges, universities, and career schools across the country. Not a NASFAA member yet? Head to nasfaa.org/join today to learn more about our member only benefits. That's nasfaa.org/J-O-I-N.

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:
Megan Coval with our policy team.

Jill Desjean:
And Jill Desjean also in for policy team.
Justin Draeger:
All right. We just had our conversation with our diversity chair, Craig Slaughter about everything that's going on in the country. Lots of other things to report on today, let's get right into member feedback, Allie.

Allie Arcese:
Yeah, so we didn't have any voicemail questions this week, but we did get a few through our usual feedback form online. And one question was regarding the CARES Act. What about overpayments for students who dropped some, but not all classes due to COVID-19? We get it that we have wide latitude with our R2T4 for students to give them a waiver and assume COVID-19 as a reason for their full drop, but we have lots of students in overpayment partial drops that we would like to be able to apply this to. Also, can we under CARES Act current guidelines?

Justin Draeger:
So Jill, what about the overpayment question for their partial drops?

Jill Desjean:
Yeah, so unfortunately, no, that CARES Act flexibility about overpayments applies just to full withdrawals. The language says withdrawal from an IAG. So I don't think that there would be a way to look at that, read it a different way to apply to dropped classes that didn't end up in a full withdrawal. ED does address this in their March 5th guidance where they noted that they don't have the authority to waive the requirement for awarding or dispersing Title IV aid based on a student's actual enrollment status, but they did remind institutions of the circumstances under which they already don't have to recalculate a student's eligibility due to dropped classes. So there might be instances at schools where a student doesn't fully withdraw, but drops classes and no recalculation is necessary. And that's not any kind of special flexibility, that's just what's there now.

Jill Desjean:
For instance, with direct loans, schools don't have to recalculate eligibility if enrollment status changes take place after the loan has been originated. And then at the time of disbursement, schools don't have to make any changes, they just have to confirm that the student is at least half time because that's a requirement for direct loans to be enrolled at least half time. On Pell, recalculations for changes to enrollment status aren't required after the institution's Pell recalculation date, also commonly referred to as a census date, that's the date your institution chooses. And as long as the student had begun attendance and all of the classes that their Pell Grants enrollment status was tied to, they would still be eligible for the full Pell Grant if a change in enrollment status took place after that recalc or census date.

Jill Desjean:
So even if schools found themselves in a situation where a student's eligibility had to be recalculated, they might also be able to use CARE's emergency grants to cover that. The student meets the Title IV eligibility requirements, so you would have found yourself in this jam otherwise. Not that that matters anymore either, since the department is no longer enforcing that. But the drop classes, if you could make the argument that they were a result of the disruption of campus operations due to COVID-19, if the student got sick and had to drop some classes, or had some other circumstances that caused them to not be able to carry their full load, you would still have to report the overpayment return funds, but
you could at least use Care funds to offset the financial impact to the student. So you might be able to get up around that.

Justin Draeger:
All right. Hopefully that helps Susan and anybody else out there who might be struggling with this. Any other member feedback or questions this week, Allie?

Allie Arcese:
Yeah. This one was a little bit more of a comment than a question, I guess, but last week when we were talking about the changes in guidance regarding Title IV eligibility and CARES Act emergency grants for students. This one is from Richard Brand, and he said that we cover all the scenarios except the one where our school followed the guidelines that were in place at the time we disbursed all of our student share of CARES Act Grants to only Title IV eligible students using the FAFSA to determine this. Now, we will have students asking why they didn't get any funds as the guidance changed afterwards, he said. And then he goes on to ask, "Is the federal government or the Department of Education going to give us additional funds to go back and award these students? Or are we going to be told to use our institutional share that we have already earmarked for costs the institution incurred in moving to an online format?"

Justin Draeger:
Yeah. The change in guidance is obviously going to be frustrating for a lot of aid administrators out there. What do you think Megan, about the additional funding? Maybe you can answer that question about whether they should expect to see additional funding because now they've given out all their money to Title IV eligible students.

Megan Coval:
Yeah. I don't know additional funding through the CARES Act is available, but we've talked a little bit on the podcast about how we are expecting a fourth COVID relief bill from Congress, probably this summer before they take a break for their August recess. And I think it's likely that that bill will include additional funds for higher education and probably some funds specifically that are earmarked for students. And the big question there is just if Congress is more specific this time about student eligibility. So I think that there's a good chance for more money. We just don't know exactly what the parameters will be.

Justin Draeger:
As far as students coming back and looking for more, I understand that frustration. Presumably that would happen regardless even if this Title IV wish wash wasn't happening. Some schools see a lot of need, and a lot of students are informed and asking about it. Megan, you were just talking about a school earlier that some students were saying, "I don't even need as much as you're offering."

Megan Coval:
Yeah. I heard from a school that they did not do the application process. They sent out a message to students saying they're eligible for these certain amount of funds and a good number of them came back and said, "Thanks, but I don't actually need these. And if you have other students who really need them, would rather it go to them," which is, I think a really ... I don't know. It was a nice story, I thought.

Justin Draeger:
Yeah, passing on what you might not need.

Megan Coval:
Yeah.

Justin Draeger:
Jill, what about the piece about the institutional share. I want to call the odds on the department coming back. I think what Richard is getting at here is, will we be required to use the funds that we needed to shore up our own operations to then turn those into student grants now that the guidance seems to have changed?

Jill Desjean:
Yeah. I mean, I don't see how they would be required to. The requirement in the CARES Act is just that of the school's entire allocation, 50% goes to emergency student grants. So the institutional share is for the institutions to use for their own expenses. They can choose to allocate some of that to emergency grants. But in some institutions cases, I wouldn't say it's really a choice in the sense that in order to continue to operate, they have to use those funds for other things. It's not that they don't want to give more students emergency grants, but that they want to keep their doors open and actually have a semester in the future. So to say, oh, just use your institutional share is easy to say, but to his point, I think he said those funds at my institution have been earmarked already for all the other expenses that we've incurred. That's not an option.

Justin Draeger:
Yeah. At some point I think schools don't want any additional guidance on CARES Act fund usage. I think we've reached that threshold. CRS, which is the Congressional Research Service, they came out with a report just recently. This was in response to an inquiry from Senator Murray's staff. And the inquiry was about the department's interpretation about CARES Act emergency grants having to only go to Title IV eligible students. So the CRS if you're not familiar, I mean, this is commissioned by Congress. It is nonpartisan. And I don't say that with a wink and a nod. This truly is a nonpartisan agency. Republicans are in control of the senate, Democrats are control the house and CRS works for all of them. And they just looked at whether that was warranted or not.

Justin Draeger:
The highlights here is they said that the secretary, one, did not announce the interpretation through a notice and comment rulemaking or other formalized process, which is normally what you would do when you want something to carry the force of law. And two, the secretary's interpretation is not a particularly persuasive reading of the statute. Those are the highlights of what they said. I don't necessarily feel victorious about this even though this is a, we told you so months ago that these funds were not necessarily supposed to be for just Title IV eligible students. Because again, to Richard's point, a lot of schools move forward with the guidance they had on hand and the book has been written at this point. Now, there are a lot of schools that still have to disburse.

Justin Draeger:
One interesting thing about the CRS, they talked about, I guess it's called the Chevron test and this is about ... in the court of law. And I think what, they've been sued out by California and by Washington.
And I think they have to show up for one of those hearings next week. Right Megan? I can't remember when that is.

Megan Coval:
Yeah, I think Tuesday.

Justin Draeger:
Okay.

Megan Coval:
Yeah.

Justin Draeger:
Yeah. So they have to show up next week which, one, I don't know that they'll issue any guidance before they show up for this hearing. Everything might've just gone radio silence on CARES Act emergency grants till after that. But they talk about this Chevron test and it dates back to an actual Supreme Court decision. It was Chevron versus the Natural Resources Defense Council, and it established case law. And basically they're looking at two things; when a federal agency takes statute and implements it, they do a two part legal test. One, did Congress explicitly delegate this authority to a federal agency and in this case, it's not expressly delegated. So there's a question mark there.

Justin Draeger:
And then two, did the agency promulgate. And if we go back to our dictionary, promulgate means to make widely known. Did they make widely known this guidance? And I think you'd have a tough time arguing that they did given that it wasn't released in initial guidance, it wasn't released in the certification form, it came out in a frequently asked questions document afterwards. And if you can't answer yes to both of those, then it doesn't hold much legal persuasiveness. If you answer yes to both of those, there's still another part, which is the framework on reasonableness. And the CRS attorneys said even there, they don't think that the department's guidance is reasonable or persuasively reasonable.

Justin Draeger:
So I don't know, it's sort of a hollow victory just because again, it was just such a difficult rollout. So to Richard's point, schools disburse money at different times based on guidance they had at the time. That's going to be difficult for schools to navigate. So we are working on an actual timeline that will release the schools that will maybe help them navigate this. Do you want to just talk a little bit about that and when they can potentially see that, Megan?

Megan Coval:
Yeah. This is something our team has been pulling together this week to show just the sheer amount of guidance that's come out related to the CARES Act. And I think there's, I don't know, off the top of my head, maybe 12 or 14 different times the department released something about CARES. And so we're going to go through and show kind of earmark, what was new guidance, what was changed guidance and what was a combination of both along with highlighting where new or changed guidance could potentially put a school out of compliance with the guidance. So we're wrapping that up. It'll be
probably available mid to end next week. And I think it will be a great resource for schools and also something they can hopefully point to at what point in time they're asked to be held accountable for the decisions they made.

Justin Draeger:
Yeah. So schools could take that timeline and then insert their own policy decisions and disbursements and see right where they fall on this continuum of changing and new guidance. All right. Let's turn our attention to Capitol Hill. Two things of note here, let's start with happening right now hearing on the senate side, Senate Health, Education, Labor, and Pensions Committee on how schools are going to reopen. So Senator Alexander Ranking Member, Patty Murray have several witnesses that they've called to talk about schools opening back up here in the fall. Mr. Mitch Daniels, he's the President of Purdue University in West Lafayette, Indiana, Dr. Christina Paxson, who is President of Brown University, Dr. Logan Hampton, who's the President of Lane College in Jackson, Tennessee, and then we have Dr. Benjamin who is an MD and the Director of American Public Health Association in Washington, DC all discussing this college opening, although these hearings can go in all sorts of different directions. Allie, you want to catch us up on what the conversation's been so far?

Allie Arcese:
Sure. Well, first I thought it was interesting to note that just observing how folks are talking about this online, because of course, no one is there in person, but watching virtually. It was noted by a couple of people that the witnesses are all college presidents, and there was no representation from students, faculty, or other stakeholders with regard to reopening. But they've been talking about there needs to be a focus on testing and enforcement of CDC guidelines and best practices, so social distancing, fewer people in a room at a time, use of common spaces in order for colleges and universities to be able to reopen.

Allie Arcese:
There's also been some calls for additional funding from the federal government on top of what the CARES Act allocated, which is also something that NASFAA has joined in other higher ed organizations and asking for since the CARES Act was just like a first step in getting to a point where schools can really recover from some of the revenue losses that they're expecting.

Allie Arcese:
Liability protections for schools when they reopen is another topic that has already been discussed a little bit leading up to this hearing. Flexibility with the FAFSA and some of the college presidents who were testifying today have suggested doubling the Pell Grant for students. So lots of different ideas related to financial aid, some of them, and some of them not.

Justin Draeger:
I think one of the themes that's becoming quite clear in all of this is that what may work on one campus serving a specific student population isn't going to work for all campuses. So the idea that the federal government should tell presidents whether they can or can't open seems to be a running theme in here that colleges really need the flexibility to do this themselves. There's also this debate that I don't know if it's come up yet in the hearing. But there's been a lot of debate and Megan, in our circles about providing liability waivers to schools who do reopen, who take reasonable measures to keep students safe, but then ultimately might still have students who come down with COVID-19.
Megan Coval:
Mm-hmm. Yeah.

Justin Draeger:
Do you want to talk about it [crosstalk 00:35:54].

Megan Coval:
Yeah. We actually signed onto a letter that went to the committee before this hearing, talking about that calling for these waivers to be put into place in of course, the COVID bill. Just for that reason, I think there's a lot of concern on the part of schools that, like you said Justin, they'll reopen and put in a reasonable and probably even, I would say, pretty strict safety measures in place. And the concern is that students got sick or there's an outbreak, and then they'll come back and sue the institution. Which could, I think as you can imagine, get out of hand pretty quickly if a bunch of students get sick and then band together. I think it's a fair thing for institutions to be worried about, but there seems to be a pretty big divide on the Hill about how that's being received. I think Democrats are not necessarily in favor of that. Republicans are more in favor of that.

Justin Draeger:
And Dr. Hampton from Lane College in Jackson, Tennessee, I know he talked a lot about HBCU funding and more financial aid overall, certainly support more investment in the Pell Grant program. I think there were some questions in there that we've talked about on a previous podcast about the FAFSA specifically and perhaps flagging disruptions in students' lives for the FAFSA. Other things that Capitol Hill is going to have to deal with now, Megan. We talked about this, I think last week and maybe over the last couple of weeks that the borrower-defense Congress had used through the Congressional Review Act, basically an override of Secretary DeVos' borrower-defense regulation. That went to the president's desk where he could have ignored it or vetoed it. He vetoed it. It's now back in Congress's hands. So where's it go now? And where does that leave us on borrower-defense regulations?

Megan Coval:
Yeah. So now this follows, what is the normal veto process. It goes back to Congress for a veto override vote on which will happen first in the house on July 1st. And we talked last week about how Speaker Pelosi got that set up early in anticipation of the veto. And then it will go to the Senate as well. It is not expected to pass in Congress because for the override vote, you need two thirds votes for a super majority, whereas the first vote or any vote that's taken on a Congressional Review Act measure only needs a simple majority. And in the house, the first time the vote 231 to 180 which is not close to two thirds and in the Senate, some Republicans did come over but it was 53 to 42. So they would need to get to 60. And I think that'd be a pretty tall order to make that happen. Yeah. So that's where it will be. And it's likely that DeVos' rules will stand, I would say.

Allie Arcese:
We've been saying the last couple of weeks that veteran's organizations had really jumped onto this and encouraged President Trump to accept the CRA. Do you think that would have any impact now with it going back to Congress in terms of the Republican lawmakers?

Megan Coval:
Yeah, I think that's a good question, Allie. I mean, yeah, there was a lot of pressure on President Trump from the veterans organizations. I was really thinking that that might sway him. So to the extent that they can impact individual members of Congress. I think that's a really good point. Things could change. Was it January when this vote was originally taken? So that's a long time ago, a lot of other things have happened. We're obviously in a different place as country, different place with student loan debt. Schools going, or people being able to think about whether they can afford college in the fall or not. It's all different. I don't feel firm in my prediction there.

Justin Draeger:
If we assume that Congress and the senate in particular can't come up with the votes to override the president's veto, then Secretary DeVos' borrower-defense rules stand.

Megan Coval:
Yeah.

Justin Draeger:
Those are the rules.

Megan Coval:
Yeah.

Justin Draeger:
And we can include a link in our show notes here for folks who want to go back and revisit those rules and see what the repercussions are for institutions.

Allie Arcese:
But even if those rules do go into place, we still have three sets, right? Depending on when the loans were dispersed.

Justin Draeger:
That's right. Yeah. So those are the rules going forward and for any loans then since ... When did those even go into effect? I can't even remember. Was it this last July or was it July previous?

Allie Arcese:
Previous I think, 2018.

Megan Coval:
I think it was 2018. Yeah.
All right, well with that, we'll leave it there. Listeners can ... I just want to remind you that you can always send us your comments. Remember to subscribe, tell a friend and we will see you again next week.