

NASFAA's "Off The Cuff" Podcast - Episode 179 Transcript

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.

Jill Desjean:

And I'm Jill Desjean also with the policy team.

Justin Draeger:

Welcome back, everybody. Today we're going to be talking about the inauguration, some first day executive actions by the President, some other plans that he's laid out. We have an H-E-E-R-F II update that we're going to talk about with Jill. And we'll talk about some of our favorite constitutional quotes and fun facts and inaugural quotes. Before we get to all that, I assume you all saw the inauguration yesterday or at least portions of it.

Jill Desjean:

Yes.

Allie Arcese:

Yes.

Justin Draeger:

Yeah, so my kids are doing virtual learning. It was kind of nice to like bring them all together and we watched the inauguration. I can't ever remember doing that as a family before so that was kind of nice. What stood out to you guys? Anything stand out to you?

Megan Coval:

I underestimated like how much I would be moved by it. Like it was a really cool day. Like I really thinking about it last night. Like I was not expecting to be like this touched by it, but it was just really awesome.

Allie Arcese:

Yeah, and like despite the fact that I'm using air quotes, like normal people couldn't be there, it still seemed not as different, I guess, as I thought it was going to be.

Allie Arcese:

Not as unusual?

Justin Draeger:

Yeah, they had the flowers that were spread out all along the mall with the wind that was blowing yesterday here in DC. Yeah, like it kind of looked like people in a way. Obviously, people couldn't be down there, the whole area was closed off.

Justin Draeger:

To your point, Megan, contrasting this with the events of two weeks ago with the insurrection, it did feel very moving to me. And at one point... It's been a long time since I watched like a lot of the ceremony. I had it on while I was here working and, one of your meetings actually cleared up in the afternoon. So I had it on longer than I normally would have.

Justin Draeger:

And like you saw, the president goes to Congress in the Capitol and he gets gifts from the house and from the Senate. The Senate Majority Leader until yesterday afternoon was still Mitch McConnell, and both Kamala Harris and Joe Biden, they're like alumni of the Senate. And so there was this collegiality that I just was like it does my heart good to see like Republicans and Democrats be human to each other. So I agree, it was like much more moving than it may be normally would have been.

Megan Coval:

And Amanda Gorman who read the poem, that was really good.

Justin Draeger:

Yeah. And apparently, she wrote like half of that poem after the event of January 6th.

Megan Coval:

Yeah.

Justin Draeger:

Yeah, very moving, very powerful. And I assume, Megan, your family went bananas when Garth Brooks came out and sang. Since you're the only country music fan that I interact with on a day-to-day basis.

Allie Arcese:

Yes, we've talked about but this before.

Justin Draeger:

Oh, really?

Allie Arcese:

Mm-hmm (affirmative).

Justin Draeger:

Okay.

Megan Coval:

I like the song. I like Garth. I love JLo and Lady Gaga, too. But I did just love when he was leaving how he'd like genuinely seemed surprised that like he was walking out, and there's Barack Obama, there's the Clinton's and he's hugging on them. He's giving side kisses like COVID ain't nothing. I'm sure they've all been tested a gazillion times. But that was very Garth and I loved it.

Justin Draeger:

Well, speaking of COVID and existing or not. Now at the White House like implemented on day one, I don't know if you guys saw this, but everybody who's on White House grounds now has to wear a wristband that shows that they have been tested for COVID like in the last whatever, 24 to 48 hours. Yeah. Which a lot of people would say, in the last administration nobody was wearing masks. They were having events that turned out to be sometimes super spreaders and just very different.

Justin Draeger:

And speaking of that, one thing that I did appreciate, did you guys see the president then swears in like political appointees. And he swore in like, I don't know, it was like 100. He did it virtually. So he was standing in front of like, I think it was two big screen TVs, he swore them in virtually. And one of the things he said was that he expected all of them to be respectful in their professional conducts and not speak down to other people. And that includes political allies or adversaries.

Justin Draeger:

He said, "I will fire you on the spot if I've heard that you've been disrespectful in your professional conduct." And he said, "I'm not joking when I say this. If you're ever working with me and I hear you treat another colleague with disrespect or talk down to someone, I promise you, I will fire you on the spot. No ifs, ands or buts." Which to me was like... I think if you voted for Donald Trump, you probably are approaching this a little wary, it's a lot easier to talk about unity if your side wins. But to me, it's sort of like he's putting his money where his mouth is. And if you know anything about Joe Biden, like this is a guy who in the Senate was known for like bipartisanship. I don't mean in a bad way, just sort of like the good old boys, a network. He works it. He believes in bipartisanship.

Justin Draeger:

And the other thing that stood out to me is he gave a 20-minute tour, or his office did, to I think it was the Washington Post because every president redoes the Oval Office. Up on the wall he has, first of all, he has a lot of portraits more than most people would put. But he has Thomas Jefferson and Alexander Hamilton on the wall right next to each other. And his point was that his office said that he wanted them next to each other because they've differed so starkly on public policy that he wanted to demonstrate that differences of opinion were vital in a functioning democracy. So anyway, I don't know, I thought it was a class act to history yesterday.

Megan Coval:

Yeah.

Allie Arcese:

Yeah.

Megan Coval:

Yeah. I was just going to say, related to the comment he made about not tolerating any type of disrespect. I think it was a few weeks ago somebody leaked a memo that he had written when he was vice president, did anyone see this?

Justin Draeger:

No.

Megan Coval:

About work life balance and it basically was just like, he said, "I've been hearing that people are like missing important events with their families, and let me be clear that I view this as unacceptable. If I hear about you missing birthday parties and baseball games, I'll be more disappointed in you than if you missed a work email or an event or something." When I heard that thing about disrespecting yesterday it sort of took me back to that. It's all of the same ilk. But I think that's just kind of who he is.

Justin Draeger:

Yeah, it's really in contrast to what I told you, Megan, which was NASFAA comes first and then these other kids that you have a distant second.

Megan Coval:

Yeah, check in with me first.

Justin Draeger:

That's right.

Megan Coval:

Yeah, take your laptop to the baseball game.

Justin Draeger:

That's right. No, we talked about this before, Megan, offline, which is like right now we're playing the lottery of like who's going to be in what spots with the Biden administration. We're kind of watching like which people are... And we're sort of filling in the slots as they become known to us. Like this person is going to serve as an Assistant Deputy Secretary, this person is in running for the undersecretary.

Justin Draeger:

But for some people it's sort of like they have young children and the expectations put on these political appointees especially if you're in an agency like this president, the Obama administration was the same way. Like they had a lot of plans for the Department of Education and it's an overwhelming job. It can become all-consuming because it's like a two to four year sprint. And a lot of people don't last beyond one term with the president because it is just so taxing.

Megan Coval:

Yeah.

Justin Draeger:

So anyway.

Megan Coval:

Yeah. Intense work and sometimes intense people.

Justin Draeger:

Right.

Megan Coval:

Not in a bad way, but just-

Justin Draeger:

It's a pairing.

Megan Coval:

Yeah. Mm-hmm (affirmative).

Justin Draeger:

Did you see the Bernie Sanders meme that's going around?

Megan Coval:

Oh, I love it. I love all of them.

Justin Draeger:

Did you see it, Jill?

Jill Desjean:

I love all of them so much.

Justin Draeger:

Oh, yeah.

Jill Desjean:

They are so funny.

Allie Arcese:

Yeah, by the way, you pointed out someone we have a Bernie mittens, Bernie emoji now on Slack.

Jill Desjean:

Yes.

Justin Draeger:

All right. I'm going to have to use that because you know what? In the pandemic, one of the things we discovered as a family was Curb Your Enthusiasm. We'd never seen it but we're huge Seinfeld fans and this is like an edgier version of Seinfeld. I love it. I've watched all 10 seasons in the last like three or four months.

Justin Draeger:

Bernie Sanders is the Larry David of this one. Like he's always a little bit curmudgeonly, he's got a New York accent, he looks slightly annoyed with everything. I don't know that I've ever seen him like laugh or like, at least, like a gut punching laugh.

Allie Arcese:

He always sounds when he speaks it's like halfway between like a just really strong speech and yelling.

Megan Coval:

Yeah.

Justin Draeger:

Right. Yeah, he's just always slightly discontented and sometimes he's really discontented.

Megan Coval:

Did you guys see that he brought a mail with him?

Jill Desjean:

Yes.

Justin Draeger:

To like open and read?

Megan Coval:

I missed that until this morning. It literally makes me want to cry laughing.

Jill Desjean:

He had like a manila envelope under.

Justin Draeger:

He was not impressed. He's been to this... He's kind of like-

Megan Coval:

Skipped opening his mail.

Allie Arcese:

Yeah, I saw a meme that said Bernie Sanders was like the inauguration is something he has to do today but it's not the only thing he's doing today. And was so funny when they said, "To be fair, Bernie would have worn this to his own inauguration."

Allie Arcese:

Probably.

Justin Draeger:

But he was like, for social distancing, he was sitting alone, like nobody was next to him. And he's just like looks over and just like, "I'm here."

Megan Coval:

He's amazing.

Jill Desjean:

I have almost the same mittens.

Justin Draeger:

Oh, really?

Megan Coval:

You and Bernie mittens.

Justin Draeger:

You and Bernie have something in common.

Jill Desjean:

Yeah. Must be a New England thing.

Allie Arcese:

I can see a Halloween costume in your future.

Jill Desjean:

Yes, Allie.

Allie Arcese:

There you go.

Justin Draeger:

All right. Well, Allie, let's get to member comments. Did anybody right in from this last week?

Allie Arcese:

Yeah. So last week we asked what your best purchase this last year was. And so Joe Cassar, I apologize if I'm mispronouncing your name, Joe. They said the best purchase last year, a second monitor so I'm not just working out my laptop at home. Yeah, I feel you.

Justin Draeger:

That's like a productivity and happiness upgrade. I feel like.

Allie Arcese:

Yeah. Similarly, Karen Fox said the best purchase that she made was a new laptop. Made life a little easier with working remotely. Yeah, definitely. This next one is probably my favorite because I'm biased about this topic. But Heather Boutell from Vanderbilt said that the best purchase she did buy a new car at the end of the year, which was fun. But her favorite thing was the \$80 that they spent at the animal control no-kill shelter to get her kitten named Crouton. And, Crouton, apparently is an Off The Cuff fan. He listens each week with Heather in her office.

Justin Draeger:

Thank you, keep writing in and we will read comments on the air. Let's move into his very first day in office. Allie, Joe Biden, first day in office, what did he get done?

Allie Arcese:

First day in office, well, prior to the inauguration we had heard from his staff that on day one he would issue an executive order to extend the current pause on federal student loan payments, interest accrual, collections activity, all of that. So that was one of, I think, 17 executive orders that he signed yesterday afternoon after being sworn in. So that extends the current pause through, at least, September 31.

Justin Draeger:

Right. And this is one of the things that we've highlighted along the way with the transition team, just this need to get an extension really quickly. They had announced that they were going to do this so it was great on day one. It was literally one of the first things he did when he sat down at the Resolute desk. Just had those stack of 17 executive orders and one by one just started pounding them out. So that's it, those students will have continued relief through September 30, 2021. Great.

Justin Draeger:

The other thing, we've sort of called for a whole bunch of things in our sort of transition documents, Megan. One of the other things we've called for is additional stimulus funding and it sounds like President Biden put out a plan for that as well. You want to catch us up?

Megan Coval:

Yeah. Last week, I think the Biden administration put out their plan for additional COVID-19 relief funds, and they're kind of shopping it with the hill right now and trying to get folks on board. And this would be a \$1.9 trillion dollar bill. So pretty big price tag as these bills have been. In it there will be \$170 billion for education total and \$35 billion for higher education. So that would mark the most that we have seen for higher ed in a bill if it were to be taken in its proposal format.

Justin Draeger:

Yeah, so that's more than twice as much than schools got in the spring.

Megan Coval:

Mm-hmm (affirmative).

Justin Draeger:

And it's more than a third more than what they received just or are receiving right now.

Megan Coval:

Right. Yeah.

Justin Draeger:

\$2 trillion, though, to give you some perspective, the total annual budget that we spend is outside of like a COVID year, is usually around what? 3 trillion? Just north of 3 trillion?

Megan Coval:

Yeah.

Justin Draeger:

So just to give you some perspective. This will be two thirds of what we spend in any given year. And, Megan, what was the response on Capitol Hill?

Megan Coval:

It was kind of across the board, kind of fell along party lines, as expected. I think Republicans and Democrats are both interested in talking about additional COVID relief, but as always, it breaks down to the price tag. And I think there's some concern at least on the right with coming out again so quickly after a package just coming out at the end of December.

Justin Draeger:

Yeah, so Republicans are sort of striking on the hill, at least they're striking sort of a let's continue talking dialog. They're not shutting things down immediately. But they were looking pretty, I would say, what askance sort of weary at this \$1.9 trillion price tag. And Joe Biden is not unfamiliar with how things work in DC.

Megan Coval:

Right.

Justin Draeger:

They reached for the stars knowing that a compromise is going to be somewhere in between I assume.

Megan Coval:

Yeah, and one other notable thing here is that the proposal itself mentions putting the higher ed money into the Higher Education Emergency Relief Fund. So it's specific on that front which we've seen proposals that have talked about doing things differently, like sending money through the states or going through a whole different method. So I think that is good news. But one thing that's worth pointing out is that this time they were specific in saying that this money would only go to public institutions, public two and four-year institutions. So that sort of, I think-

Justin Draeger:

What happened there?

Megan Coval:

Yeah.

Justin Draeger:

Do they have something against private schools? What's the story?

Megan Coval:

Frankly, I think everybody was really surprised. It was sort of like reading it through and then having it like, "What? Wait, what was that? Did we read that correctly?" I don't want to say that it wasn't intentional but I think this has been a little bit of an unusual transition one that got started a little bit late. And I think there are sort of a broader economic team working on this policy and maybe get the feeling that the education folks weren't quite as involved. And so maybe a little bit of an oversight or sort of not just understanding maybe where the Biden Administration would fully want to be, which I think at the end of the day would be wanting to include all schools.

Justin Draeger:

Yeah. So one thing we know for sure is that the incoming transition team, both Kamala Harris and Joe Biden have talked about more aggressive action towards for-profit schools and I don't think we should overlook that. I haven't necessarily heard him say he wants to shut down all for-profit schools. But clearly, they plan to enforce a regulatory agenda that would hold proprietary schools more accountable. So more to come on that. But in terms of private nonprofits, it does sort of seem like maybe a sin of omission here. In that if this was put out by the economic team, instead of the education team, maybe they just didn't catch the nuance that like more than a third of schools are private nonprofits.

Megan Coval:

Yeah. And I think on the hill that this wouldn't fly either on both sides. So that's something we'll be talking about and working on and I would expect them to be folded back in to any additional relief that we get.

Justin Draeger:

What about student loan indebtedness? Was that included in his stimulus plans?

Megan Coval:

Not included. So that's something that everyone was keeping their eyes out for and there wasn't anything in there about it. And again, with President Biden, what he had been talking about was that \$10,000 relief for all borrowers, not the 50K proposal. But yeah, nothing in there and that was definitely met with some critique from consumer groups and advocates who kind of came out already saying, "What's going on? Why isn't it in here? Why didn't you tackle it on your first day?" I don't think that means that they're done with it or that they won't try to bring it up or push it through or some version of it in other ways but not here.

Allie Arcese:

It's interesting to see like how that will actually happen, though because I feel like as time has gone on, his messaging around that has been more and more like, maybe not through an executive order but like Congress can do it and he would support Congress doing it. But then at the same time, there's members of Congress who are telling him to just do it on his own.

Justin Draeger:

Yeah, you're exactly right, Allie. And I do think that President Biden brings sort of like one of his objectives, maybe a little less overtly stated is like bringing normalcy back between the executive branch and the legislative branch to the extent that like some people have pushed the envelope and said, "No, this is within your authority." And other people have said, "We don't think it is within your authority." I do wonder if he's sort of... He's a legislator at heart, that's where he came from. It's sort of like I will defer to the legislature who, clearly, can do this and we would support it being done.

Allie Arcese:

Yeah. And you think back to also that memo that the department put out shortly before the end of this previous administration, even though it was non-binding, like they did say kind of what we have done is the far outer bounds of the secretary's authority for what they can do.

Justin Draeger:

Well, and then there's another case that if Congress does it, it's not going to get hung up in the courts, it will be done, that is the law. If the executive does it, it could end up in the courts. And then as we've seen with like, time and time again, things that get wrapped up in the courts get escalated. They start at a certain level then they go up to the circuit or the federal level, and then possibly the Supreme Court, meanwhile, like nothing's happening. So anyway.

Megan Coval:

I also just think, politically, like this was sort of his first pitch. His opening pitch to Congress and his chance to be taken seriously and to make good on his word that he was going to try to come in from a reasonable perspective. And I think there are just so many people that would have had him for lunch on this. Like it would have been a distraction, I think.

Justin Draeger:

Yeah, I expect you're right, Megan, that we'll see more on this. All right. Megan, the other, I think, big thing that we were waiting to hear about was DACA. Has the Biden administration taken any action in the last 24 hours on DACA students?

Megan Coval:

Yes, they did. This was on their first day list. And the president issued a presidential memorandum calling on Secretary of Homeland Security to "preserve and fortify the program." So Trump administration obviously was trying to eliminate it since 2017, unsuccessful in doing so. And this was basically a directive to keep the program as it was created by President Obama. So that provides some relief and breathing room for all these students who have been living in this kind of terrible purgatory for the past.

Justin Draeger:

Yeah. Today, this is a perfect example of these students who were living or dying based on court action.

Megan Coval:

Yeah.

Justin Draeger:

And so at this point, this administration is going to support.

Megan Coval:

Yeah, and it's still, though, kind of remains a little bit of a house of cards on shaky ground since it's not in law. So I think the other important thing is I think it was just yesterday, the president sent up immigration reform legislative proposal to Capitol Hill, which does include a path to citizenship for these students. So preserving it in the way that he can now but also working on a long-term solution, which we've talked about a lot on this podcast, is the necessary thing.

Justin Draeger:

Right. All right. Thank you, Megan. We will stay in tune with where the new administration is heading and what additional actions they'll take. We have an immediate concern, Jill, we did a webinar this last Friday on HEERF II funding, we had, I think, just over 3,100, 3,200 people in attendance. I think we got to 4,000 when you count the people who registered and viewed. After the fact, we had 650 questions.

Jill Desjean:

Kind of a lot.

Justin Draeger:

So we weren't able to answer all of those questions. But we are sort of seeing several questions get asked over and over again. I think there's three we want to tackle today. What's first on tap?

Jill Desjean:

Yeah, so this one's new since the webinar, schools have been getting their Grant Award Notifications, which is great news, the department has been processing those obligations, getting the funds out to schools. One thing we've heard from schools who've gotten those Grant Award Notifications, though, is that the date by which you have to spend the funds is April 2021, which obviously was the deadline for their CARES Act funds not for their HEERF II funds.

Jill Desjean:

So we've been in touch with the department and it is an error, which was obvious and yet in an official document that you get that says something you have to pay attention to that. ED has told schools that they're still prioritizing getting funds out the door, which makes sense, and that once they get that all out, which they had previously anticipated would be a few weeks, they will then go back to those Grant Award Notices and update the date by which you'd have to spend your HEERF II funds to be January of 2021. Or if you got your money later, February 2021 or whatever you got it, 22.

Justin Draeger:

So for all the people panicking because the official documentation says they have four months to spend the money, they do actually have one year.

Jill Desjean:

Yes. You are okay.

Justin Draeger:

Okay. All right. Great news.

Jill Desjean:

Yeah, that's great news, all around. We've been hearing a lot of questions from schools about the relevance of the December 27th date, which is the date that the omnibus bill got passed, as that relates to HEERF II spending. And that's because there's language in the certification and agreement forms for both the institutional share and the student share that says, I'll read this just so that I don't misspeak. Recipient acknowledges that any obligation under this grant must have been incurred on or after December 27, 2020, the date of the enactment of the CRRSAA.

Jill Desjean:

So schools are wondering, does this mean they can't use these grants to cover institutional charges for the spring term if they apply those charges to student accounts before December 27? For like a semester based calendar, that would be very likely, you'd probably put your charges on like December 15 and have a bill be due in early January or something. And so this is especially an issue for schools that are going to let their students opt in to have their emergency grants applied toward their student accounts because if you're giving the funds directly to the student, they could be for non-billed COA components, that you would incur those costs later, your books and supplies, your transportation, you're fine.

Jill Desjean:

But if you charge someone tuition on December 15th, and you're applying the funds to the students account for tuition, it's hard to say that that charge was incurred after December 27th. But it's also hard to think that the department thinks you shouldn't be able to use this money for spring charges because it defies logic.

Justin Draeger:

That's kind of the intent.

Jill Desjean:

Yeah.

Justin Draeger:

We have sort of like practice running into intent here. The spirit is to allow students access to this money but sometimes the way the practice lines up it doesn't match up with the exact legislative language.

Jill Desjean:

Yeah, so we don't have an answer.

Justin Draeger:

Do we have an answer here?

Jill Desjean:

No, unfortunately.

Justin Draeger:

Okay.

Jill Desjean:

So we're waiting to hear back. And of course, once we know, you will all know. And then there are other questions that... This isn't the only question. There are lots of questions adjacent to this question about that 12/27 date that have popped up.

Justin Draeger:

And fingers crossed, we will get answers soon. Obviously, decisions are being made over at the Department of Education. But as we see, with every transition of an administration, some decisions are purposefully put off until there is new leadership because they want to defer big decisions to that leadership. I don't know if this is one of them or not. Part of it is all the Trump administration officials that we were working with left yesterday or before and so there is just this little bit of gap that we still might need to wait a little bit.

Jill Desjean:

Exactly.

Justin Draeger:

Anyway. All right. What's the third one?

Jill Desjean:

The third one actually relates very closely to what you just said, issues that were saved for the new administration. The sort of big picture student eligibility issues still does remain to be resolved, and was mostly saved for the incoming administration purposely because the current administration knew that the new administration would see things differently. And it didn't make any sense to put rules into place for two days.

Justin Draeger:

So I'm a little confused on this one because it seems like they were pretty clear before they left, the Trump Administration said section 484 would not apply. So I know we still have citizenship issues, but beyond that, are there still unanswered questions?

Jill Desjean:

Yeah. So there are other student eligibility issues like whether less than half-time students might be eligible, continuing education students, dually enrolled students, things like that. ED's been silent on that so far. For CARES Act funds they had said that those students were not eligible. But they have not issued an opinion yet on that because they believe that the Biden Administration might have a different take on it. And so they want to let them weigh in.

Justin Draeger:

So there's a catch 22, it feels like, that schools might be in here because on the one hand, you could be waiting for guidance because they don't want to find themselves where they were last year, which is like going out with funds and then contradicting guidance. So you could be waiting for all this guidance before you send funds out to students, on the other hand, if you have the money, you've done the allocations, could a viable strategy be, we're going to target funds to a widely identifiable group of students we know need the money, hold some money back for these lingering bits of guidance that then they could maybe award them out to these like smaller subgroups of student populations. They don't have answers for yet.

Jill Desjean:

Yeah, that seems to be the most rational choice. Like I can't imagine there's any institution that doesn't have any way to spend their funds because there's not enough clear guidance. There is some clear guidance that you could say, "Okay, I know this group of students can have this funding." Spend it on them first and, like you said, hold back or use your institutional dollars to help these students that are in those gray areas and hope that clearer guidance will come out soon so that you can, obviously, broaden the scope of these students that you can help with these dollars.

Justin Draeger:

So let me revisit the citizenship question because the Welfare Reform Act, which we talked about in the webinar, prohibits undocumented students, DACA, and international students from receiving these funds. We know the Trump Administration has applied that interpretation here. We don't know whether the Biden Administration will take another look at that, we've certainly raised the issue with them. And, Megan, I think we're working with a broader coalition to actually do an official ask on this issue.

Justin Draeger:

But, Jill, if I was a school right now, I think one of the topics I hear most discussed is what are we supposed to do to confirm citizenship? And on the one hand, I'm asking I don't know if you have answers for these, but clearly the FAFSA is probably the easiest way for your student financial aid recipients. But then you're right back where we started last year, which is you're only giving money to students who have applied for financial aid or students who can or will fill out a FAFSA.

Justin Draeger:

One question I have is, I think, though, a student could... Let's take one example, parents won't fill out the FAFSA, okay? They're not a student aid recipient. But the student can complete a FAFSA, still have the citizenship database matches done, and not have an EFC, but the school would still be able to see that they pass the citizenship pieces, is that right?

Jill Desjean:

Yeah. So there's no requirement for a valid ICER, there is no requirement for FAFSA at all. But, certainly, if you have one, it doesn't have to be valid, you're not paying title for it. So yeah, if that was what you wanted to use as a mechanism to confirm citizenship, yeah, that should be fine.

Justin Draeger:

Yeah. And I'm not necessarily advocating for that. It was just something I thought about, we get such in this mindset of like, valid ICER I have to resolve it. But they don't necessarily have to.

Jill Desjean:

No.

Justin Draeger:

The other question I had was schools might be playing with ideas around self-certification. They might be playing with ideas of like we only know what we know. So if another office on campus knows that they're not citizens, then maybe the Financial Aid office would be expected to know. Some conversations I had about that go back to like admissions work they've done that may indicate citizenship. But otherwise, schools might just take the view that we don't know what we don't know as a risk assessment.

Jill Desjean:

Yeah, we didn't intentionally defy the law, we didn't know the student wasn't a citizen. Yeah, another strategy we've heard of schools using is to at least allow like a previously filed FAFSA for citizenship because that's not a status that's likely to change. When the 44 requirements were in place, things like student loan defaults, other stuff like that could change from year to year. So you really needed to get a FAFSA for the current year to make sure that the student didn't have any eligibility issues.

Jill Desjean:

But with citizenship, maybe a lot of first year students fill out FAFSAs and then they kind of trail off as they get into higher years if they haven't been Pell eligible or something. But maybe you've got that FAFSA for that student and you could use that to confirm citizenship.

Justin Draeger:

Right. So they were a citizen two years ago they are likely still citizen today.

Jill Desjean:

Yeah.

Justin Draeger:

Okay. So we'll be pushing the Department of Education, exploring our contacts, trying to get additional answers. In the meantime, schools do have information they can start to build applications on with and to that end, next week, we are going to be having some aid administrators on the podcast. We're going to talk about sort of the thought processes they're putting together and thinking about their allocations on direct to student grants, whether they're using passive or active applications, and sort of might help other schools think through their processes. So stay tuned for that.

Justin Draeger:

Well, with the inauguration happening this last week, it made me wonder if you all think about past inaugurations, sort of the constitution, maybe sort of your constitutional fun fact. So curious, my question here for you today is, what's your favorite constitutional quote, inaugural speech quote from any president, current or past? Or just constitutional fun fact. How about you, Megan? I know Megan and your children carry around pocket constitutions. So I have high hopes for your answers today.

Megan Coval:

I have a pocket constitution and Annie has one from you, Justin.

Justin Draeger:

That's right. I gave her one.

Megan Coval:

That was your gift to my little NASFAA baby shower.

Justin Draeger:

You're welcome.

Megan Coval:

So we're well stocked. This was a hard to choose. But I am actually going to choose a quote from yesterday's speech. So technically, it's in the past, if that counts.

Justin Draeger:

Yeah, sure.

Megan Coval:

But one of the pieces of President Biden's speech yesterday that I loved was where he said, he was talking about sort of just how fractured we are right now and how we just have to stop it. And he said, "If we show a little tolerance and humility. If we're willing to stand in the other person's shoes for just one moment." And then the actual speech, I think he had said that that's something his mother always told him. And then he said, "Because here's the thing about life, there's no accounting for what fate will deal you. There are some days when we need a hand. There are other days when we're called on to lend one and that's how we must begin with one another."

Megan Coval:

And I love that, I love the concept of standing in someone else's shoes. And I think that's something that he has done through his history in the Senate. And I just think it's beautiful. And also the piece about no accounting what fate will deal you. And he's certainly gone through that and I think it just reminds us all like, one day we're up, one day we're down and got to hold together.

Justin Draeger:

All right, thank you, Megan, you delivered on my hopes. So very good. How about you, Jill?

Jill Desjean:

Yeah, I dug into yesterday, too. I had found some others before yesterday and then I was just like, "Oh, I don't know, I really like this one, too." I'll caveat this with the fact that like I missed probably two thirds of the speech because I also watched with my family. And so my kids are like so many questions. And I'm like, "Quickly, yes. Listen."

Justin Draeger:

Yes.

Jill Desjean:

So mine is short because it's a little snippet that I caught, I really liked when he said, "We must end this uncivil war." It's short, it's simple, but I loved how he put this into that context that disagreement is fine, like it's normal, it's expected, it's part of a functioning democracy. But that disagreement can't take these forms of like vicious attacks on other people. Like attacks on their character and like the core of their being just because they have an opinion that differs from yours.

Jill Desjean:

So even though it was sort of a forceful statement and probably one of the few like sort of, I don't want to say is negative, but there's so much positivity in this speech. And this was kind of one of those like, "We've got to stop this." But I feel like the context that it was given in was a good one. And it was worth saying and I liked the way he said it.

Justin Draeger:

Very good. All right, how about you, Allie?

Allie Arcese:

I went the fun fact route. This is not my favorite one but I think it's something that a lot of people don't know is that it's actually, the constitution when you think of it, you think it is must be huge because of all the things that it contains. But it's actually like incredibly short. I think it's like four pages. But this one I thought was interesting when I read it because it does have some connection to some of the discussions we saw over the last couple of weeks.

Allie Arcese:

So it says, John Tyler was the first vice president to assume the responsibilities of the presidency when William Henry Harrison died in 1841. However, at that time, there was nothing in the constitution that said that the vice president would become the president. So one part of the constitution says, in case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on to the vice president, but it didn't specifically say that the vice president becomes the president.

Allie Arcese:

So John Tyler went on to refer to himself as the president without the actual constitutional authority, technically, to do that. And every other vice president who succeeded a president did the same. And it wasn't until 1967 when they passed Twenty-fifth Amendment, that the vice president, technically, would become the president in those situations.

Justin Draeger:

Interesting. So they were sort of like acting president without the constitutional authority.

Allie Arcese:

Yeah, like I guess, technically, they were still the vice president but just with super powers.

Justin Draeger:

Interesting. All right. Very good. I also went the fun fact route. My kids as we were watching, we are a bit of a secular family, humanists. We certainly adhere to ethics that overlap quite a bit with religious ethics and ethos. But one of the things that my kids noticed was that humongous Bible that Joe Biden put his hand on. And so my son asked, "Does every president use a Bible?" And then he also asked about the last phrase in the oath of office, which is so help me God.

Justin Draeger:

Well, I knew the answer that, no. I was quite certain that our constitution didn't say anything about a Bible. But I went back and did a little research after he asked that question, turns out that, no, the Bible is not obviously in the constitution since we are a nation that does not endorse any single religion. And in fact, Theodore Roosevelt did not use a Bible when he took the oath of office, neither did John Quincy Adams, he swore on a book of law which was meant to represent sort of our constitution and the legality of our law.

Justin Draeger:

Lyndon Johnson was sworn in, obviously, unexpectedly, after the Kennedy assassination, did not have a Bible. He swore on a Roman Catholic, I guess it's sort of liturgy of how to conduct a mass instead of the Bible. And then Harry Truman, Dwight Eisenhower, Richard Nixon, George H. W. Bush, Barack Obama and Donald Trump, each swore on two Bibles. So it's like they were doubling... I think that was like they had a family Bible, they also had this infamous Bible.

Justin Draeger:

But anyway, all that is to say, obviously, not constitutional. But then it got me thinking what books would I use? If I were to be sworn in what would I want? And I started thinking about some of the Greek and Roman classics. But then the other question was the so help me God. And that is the oath of office for any federal political appointee is not actually in the constitution. The only one that's in the constitution is the president's. And some presidents have taken an oath of office, some presidents didn't actually repeat the oath. All they said at the end was I do swear to do those things.

Justin Draeger:

So sometimes we get in these traditions, and then traditions get mistaken for law or requirement, they're just traditions, which are important. I'm all for tradition. But it's kind of interesting to sort that out like what's actually required here, what's not?

Megan Coval:

Yeah. The Bible one is very interesting. I think I would have assumed that they all did.

Justin Draeger:

Yeah, I don't know what Theodore Roosevelt used, if anything, but I was sort of interested in the presidents who didn't. Anyway, the constitutional ball continues to roll on. So new administration, new challenges, new perspectives, and, obviously, we're here to work with any elected official from our various ideologies on advancing the work of student financial aid access and success.

Justin Draeger:

So if NASFAA members, listeners want to send us their favorite quote or fun fact about the constitution, please send it along. We will read it on the air and share with our members. Remember to subscribe, tell a friend. Stay in touch and we will see you again next time.