NASFAA’s Off The Cuff Podcast - Episode 209 Transcript

OTC Inside the Beltway: Reconciliation’s Narrowing Higher Ed Bucket, Neg Reg Action, and Hill Dynamics

Justin Draeger:

Hey everyone, welcome to another edition of Off The Cuff. I'm Justin Draeger.

Karen McCarthy:

I'm Karen McCarthy

Jonathan Fansmith:

And I'm Jonathan Fansmith, special guest, I think, right?

Justin Draeger:

Yeah. Well, you'll continue to keep the special guest designation, Jon, until you've been on for like four or five times, then you're just like regular old guest.

Jonathan Fansmith:

And, I'm essentially staff at that point.

Justin Draeger:

Well, you know what, this is an elaborate plan. And after a while we, what we really want is ACE to pay your salary, but you're working for us. So, let's see if we can do something about that.

Jonathan Fansmith:

I was hoping to double dip, but whatever we'll find something.

Justin Draeger:

Well, all right. Yeah. Maybe we can do a match program or some sort of maintenance of effort. John, welcome back to the episode. I hope you received positive feedback on the last time you were on. We didn't receive any negative feedback. So, you know-

Jonathan Fansmith:

I'll take it. I'll take that, yeah.

Justin Draeger:

That's batting a thousand. Jon, you have young kids. You have young kids, yes?

Jonathan Fansmith:

I do. Two kids.

Justin Draeger:

Yeah. How was Halloween? Was it? Was it wild? Was it crazy? What was it like for you last night?

Jonathan Fansmith:

It was. I live on Capitol Hill and Capitol Hill tends to be kind of intense.

Karen McCarthy:

Crazy, yeah.

Jonathan Fansmith:

Yeah, really crazy. And, and my kids didn't go last year. So, they were super fired up to go this year. And then we went out, and it was just so crowded that I think the pandemic response, and I was like, "Oh God, I don't want to be in a crowd." So we went like two blocks, and they got a lot of candy. They got a ton of candy, but after a little bit, they're like, "Yeah, let's just ease off a little bit." So, it was quick. We saw friends. It was nice. Everything was great. They loved it. But it wasn't quite the trick or treating of old days.

Justin Draeger:

Yeah. I can't remember, but they're fairly young. Right? Do they have like a strong recollection of Halloween's past pre-pandemic?

Jonathan Fansmith:

Yeah. They are nine, almost 10 and six. So they recall it.

Justin Draeger:

Karen, you have an older child. I don't know if you did. Do you guys do anything for Halloween or is it just stay home and pass out the candy?

Karen McCarthy:

Yeah no, well we pass out the candy. She was at a friend's house, but I was telling people on staff that like, everybody went really all out in my neighborhood this year. We ran out of candy, and then my kid came home without any candy. So we had no candy.

Justin Draeger:

Well, how does she go trick-or-? I guess she didn't understand what she was supposed to do. How did she not know-

Karen McCarthy:

I don't know.

Jonathan Fansmith:

She was giving it out at each store she went to.

Justin Draeger:

Yeah. She's totally confused.

Karen McCarthy:

I don't know. I mean, what do your kids do? What do teenagers do for Halloween these days? I don't know.

Justin Draeger:

My daughter was very vague on details about going to a party. I just keep reminding myself she's three months from being 18. I haven't told her this, but I realize I have very limited... My control is basically what Congress has over the executive branch, which is appropriations.

Karen McCarthy:

Yeah.

Justin Draeger:

That's the only control I have over my daughter. My son went to his girlfriend's house for most of the night, and my youngest who's now 11 went out into the neighborhood, but he's got a boot on because he hurt himself in football.

Jonathan Fansmith:

Oh.

Justin Draeger:

So, he couldn't keep up with his friends. He still brought home quite a haul though. But he came home solo, like alone.

Jonathan Fansmith:

Did his friends just take off and leave him behind?

Justin Draeger:

Yes, of course. Yes.

Jonathan Fansmith:

Okay.

Justin Draeger:

Yes. We tried to tell him like, maybe just stay home and help pass out candy. He's like, "No, my friends will wait for me." And I was like, "Oh man, this kid's in for a-" Once they get that first candy and the sugar hits the brain, those friends are like, "I have no friends. Candy is my friend candy is my only friend." So. All right, well we are glad to get into a couple things here, John. There was some pretty big breaking news last week about everything with the reconciliation bill. Do you want to try to catch us up?

Jonathan Fansmith:

Yeah. I mean, I'll do my best. There was a lot of big breaking news. We basically saw the long awaited framework of what the reduced reconciliation bill would look like. And people probably recall this, but when the process started, they were talking about a $6 trillion bill, the version of the house introduced last sep... Or they didn't introduce it, but they put forward last end of September was three and a half trillion. Senator Manchin and Senator Sinema objected to that. And we've spent the last month negotiating what might be in what might be out, how much we'll be in there. And what they seem to have hit on, almost everything there's still some details being worked out, is a $1.75 trillion bill in the higher ed space. It went from a whole lot of stuff to not so much both in terms of the number of things and the amount of money.

Jonathan Fansmith:

The biggest one, which we knew about proceeding the framework being announced, was the free community college proposal, which was the biggest item, both in terms of attention, in terms of money. That got dropped. It seemed to be the last thing dropped between the negotiations, big thing dropped between the White House and the Senate. And after that, we were sort of trying to figure out exactly what would remain for higher ed, if anything would remain. I think the last time I was on, I talked about the risk of nothing in higher ed making it through. And it's not a ton. It's about 22 billion for higher education, but another 18 billion for workforce training and development. The higher ed money is broken up into three buckets. And this, in some ways, was not a surprise. As you got to the end stages, you started to hear more and more about the same three things.

Jonathan Fansmith:

And they really were. So the Pell grant money, it went up, one of the few things that actually went up. It went up from 500 to 550, not a huge increase, but an increase, obviously good to get more. There was pool of funding for HBCUs, TCUs and other MSIs. Some of that is for research and development infrastructure. The biggest part is an increase of about $6 billion over five years for the title three in title five programs. What's probably most interesting about that—it's a lot of money. It's about five times what they get on an annual basis. But the bigger thing is that they can use that for student financial aid, which is not currently allowed in statute. You're pouring a whole lot of money into this program and you're making that eligibility. It's an opportunity for schools to do a lot with that money that they wouldn't have had the opportunity to do otherwise.

Jonathan Fansmith:

And then the final piece was a completion grant program. This was in the president's request at $62 billion in the House version. It was down to $9 billion in the final wash. It's only about 500 million, a hundred million a year for five years, competitive grants. It's pretty small, but this was something that there was a lot of actually popular support for, especially among associations and organizations. So not a surprise it was retained, but you know, at a level obviously far below what I think people were hoping for.

Justin Draeger:

So, let me ask a question about the overall amount in higher education and those three buckets you talked about Jon. And then Karen, I want to focus in a little more narrowly on the title four provisions. But, outside of a pandemic, if this wasn't a pandemic year, where you had the CARES act, HEERF II, HEERF III where you're pouring in billions. I mean, I think at the end of this, we were somewhere north of $70 billion in almost a 12 month span.

Jonathan Fansmith:

77 billion.

Justin Draeger:

77 billion. Thank you. Outside of that, this would still be a pretty historic investment in any single year. Wouldn't it? I just sort of feel like we've all been readjusted to like this HEERF money, but outside of that, this is pretty big.

Jonathan Fansmith:

Oh, it's big. It's definitely big. I mean, I think one of the things that's big about it, I sort of was just diminishing the significance of the completion grants, but this is the first time the federal government's actually put money towards that purpose. So, in some ways there's new policy aspects that are being risen. And, $18 billion above and beyond any other funding is not something to ignore. I mean, you probably got from my tone of voice. A lot of it, I was talking about how everything dwindled through the process. And I think that's part of it. There was an excitement gap when you talk to people because the president wanted hundreds of billions of dollars. And then when you got to the House, it was $111 billion. And, to go from 111 billion to 18 billion seems a little disappointing. On the other hand, 18 billion versus zero is fantastic. So, you're right. I think people in D.C. are in a very different place than people outside of D.C. will be when they hear this is coming.

Justin Draeger:

Yeah. Karen let's focus in on the title four provisions. Jon mentioned the increase to the maximum Pell grant. Anything else notable there in title four?

Karen McCarthy:

Yeah. We could talk a little bit more about the Pell increase. I guess since we're talking about relativity, relatively smaller pieces in title four is that they eliminated any taxation of Pell grants, which as you know, in some circumstances, Pell grants can be considered taxable income. There had been a movement to get that out of there, out of the internal revenue code definition. And, so they were successful there. They're also into something of interest to NASFAA that we've been supporting for quite some time is title four eligibility for DACA students, which is temporary. I should say it is temporary, but it is full eligibility. Some people have misunderstood it to mean Pell only, but it's full title four eligibility, and it's through fiscal year 29. And the other big one obviously is the Pell grant increase, which Jon mentioned had been $500 in the last iteration.

Karen McCarthy:

And in this version it is $550. So a small increase there. I think there are three things to remember about the Pell increase. One is that it is also temporary. It is for four years through 25-26. So it would start next year, 22-23 go through 25-26. The other important thing is that this increase is just to remind folks that this whole thing is completely outside our regular appropriations process. So this is an extra bump up. So, there might also be an appropriations bump up that we would see. And then, the last really significant piece is that the way that the language is written, proprietary institutions would not be eligible for this $550 increase.

Justin Draeger:

Okay. So let's focus in on that for just a second. So it was at 500. That was the initial sort of House framework. Right? And then now it's up to 550. Is that differential attributed to the fact that the proprietaries would be cut out? Like, do you get 50 more dollars to the maximum Pell grant because you've cut out all the students who are attending proprietary institutions? Have we done that math? Jon, have you guys done that math?

Karen McCarthy:

Yeah. Thanks for asking John that because I have no idea.

Jonathan Fansmith:

We haven't done any math, which is good for everybody that I'm not doing the math. But we have been told essentially raw numbers, that there's about $1.3 billion that would go to proprietary institutions if they were eligible, which would have the net effect of lowering the overall maximum grant. So if those institutions were eligible, larger pool of eligible students, less money that they were providing for, the award would go down. How much it would go down, I don't know.

Karen McCarthy:

Well lowering the increase, right? Lowering the increase, Jon?

Jonathan Fansmith:

Right, yeah. So it would go from 550 to some number. I don't know if it's 50, like I don't think it was the exactly $50. I don't know exactly how it works out, but it would be less for every student.

Justin Draeger:

So I think that there's a policy question here, Karen, and one that I want to get at, which is we're talking about increased complexity, right? Because this is a portable grant that you can use at any eligible institution in an eligible program.

Karen McCarthy:

Right.

Justin Draeger:

And now we're saying this is now a portable grant, but only a portion of this can be used at eligible institutions in eligible programs because we have whole eligibility sections and program eligibility in one part of the HEA. And now we're doing a separate carve out for this specific program and for this increase only.

Karen McCarthy:

Yes.

Justin Draeger:

Right. There's that complexity versus potentially a lower increase for everyone. And I'm not asking you to weigh in on which is more valuable. I'm just asking you how complex is it? Am I making something out of nothing? Where's the complexity and who's it fall on?

Karen McCarthy:

No. Well, I think the complexity definitely falls on the student side of things. The Pell grant has always been... One of the basic premises is that it's a portable grant. The student finds out their eligibility. They fill out the FAFSA, they find out their eligibility, and it's portable. They take it wherever they're going to attend. If the program and the institution participate, then that's the amount of the grant. So now by parceling that out by institution sector, then basically the students getting double the information. It's your grant amount will be this amount at this type of institution and this amount at a different type of institution. And I even question sometimes whether students understand the difference between the institutional sectors. And I think like the communication of that will be a challenge, even of whether you think it's good that that complexity is there or not. How are you going to get that across to students so they know what's happening?

Justin Draeger:

So I think, we've been working for, like, longer than a decade now. It's sort of this idea of simplification with FAFSA and this idea that if you apply, if you file your taxes, and you tell the IRS to share it with the department of education, with all the legislative changes over the last three years, they could more or less figure out your Pell Grant amount based on your AGI and family size and tell you your Pell Grant amount. But now there'll be a potentially, if this were to pass, a $550 discrepancy between max Pell Grant recipients at public schools versus a proprietary school. And from your standpoint, it's sort of like a student's like, "I don't know the tax status of my institution."

Karen McCarthy:

Right.

Justin Draeger:

Like, how would I-

Karen McCarthy:

Yeah, I mean, we've been talking about these Pell look-up tables that will be coming down the pike, and this is going to be super easy in terms of early awareness. And you'll just look up your family income and it'll tell you if your income's below this amount, this is what your Pell grant will be. Yeah. And I think that kind of throws that all out of whack if we have the differential Pell amounts.

Justin Draeger:

The other piece I'd say to this is I understand the concerns about proprietary institutions, particularly in the democratic caucus. So they've been talking about for-profit schools for a long time. This is almost repeated so often it's cliche, but the idea of, like, is this a bad batch when you look at all the school closures over the last several years, or is this a few bad apples or is it the entire batch? You know, the for-profit sector is just so-

Karen McCarthy:

Diverse.

Justin Draeger:

So different.

Karen McCarthy:

Yeah.

Justin Draeger:

Yeah, it's as diverse as higher ed almost. Like a mom and pop shop, a family owned like cosmetology school in Hoboken is very different than a publicly traded for-profit corporate conglomerate based out of wherever. It's just they're apples and oranges, I guess. Leaving that aside, even if you say there are problems in the for-profit sector, there's a profit motive that undermines their educational purpose and whatever, whatever, whatever, I think the thing we would say is, "Then tackle it over an institutional or program eligibility, so that programs or schools have different floors of accountability rather than parceling out student aid programs in a more complex way."

Karen McCarthy:

Yeah, like tackle over on that side, not on the student facing side, I would say. And, the other thing is if you do tackle it on the institutional eligibility side, it allows you to have much better targeting. You know, kind of like to use a scalpel rather than like the sledge hammer of just no for-profit schools will get this increase. Like if it's over on the institutional side, then you are able to separate amongst all of the diverse for-profit schools and who is serving students well and who is not, and kind of set your eligibility criteria accordingly.

Jonathan Fansmith:

In some ways I know it's a difficult position for a lot of associations to weigh in on because if you're like ACE of members from both sectors. I think honestly, even sort of stepping back about where is the appropriate place to land. What's interesting about this, you started talking about the relief bills, right? We had three relief bills. They put out $77 billion. If you look at how they awarded the money there, they divided it up by different sectors. There was all sorts of targeting that they were trying to get at. And at the time, I think everybody was thinking about this in terms of very sort of limited. This is how we'll disperse aid, tied to the moment.

Jonathan Fansmith:

Now, when you see a provision like this included, you start to see there is probably stronger and stronger impetus within the democratic caucus to start treating those sectors very differently. And, particularly in an area like how aid is dispersed, where we haven't drawn those lines before. So, the relief bill seemed like they might have been kind of a one-off thing. Now it's actually emerging it's much more like a pattern seems to be emerging.

Justin Draeger:

Yeah. Looking back, it's precedent-setting in a way. We kind of looked at this as like, "Okay, they're limiting it by sector because it's a one-time infusion of funds." It ultimately ended up being multiple. But, now you look back. And then John, I just throw in there, the free community college, which would've poured tens of billions of dollars into the community college sector sort of segments the institutional sector even further.

Jonathan Fansmith:

Well, and you add that there's money in the reconciliation bill that's specific to HBCs, TCUs and MSIs. So, this is certainly not something that's going away. If anything, it seems to be gaining steam.

Justin Draeger:

Yeah. All right, Jon. I guess the big question is this whole compromise sort of was released last week. We have legislative language, but to be clear, this hasn't actually passed the House or the Senate yet. And I guess my bigger question is like are progressives, as you talk about that whittling down, are progressives going to sign off on sort of this grand compromise between Biden and Senators Manchin and Sinema?

Jonathan Fansmith:

Yeah. I mean, it's sort of the big question right now, right? I mean, outside of the timing aspect of it, what the final bill will look like and where the final negotiations will fall, that's still up in air. If there was a bill that was moved forward by the Rules committee last week, over the weekend they're drafting revisions to it. So, we don't have a final bill yet. We don't even have agreement on a lot of things. I actually spoke to a doctoral class and said, "You know, if you want to do a case study for higher education policy, but just also, you know, how law making happens, this is a great microcosm, right?" Because you know, there's three members of the house right now saying, "Unless you put a path to citizenship in for immigration, they're going to vote against it."

Jonathan Fansmith:

And you can't lose three house members, but the parliamentarians always said, "You can't do those sorts of things. Right. There's battles over Medicare and what the funding looks like." They're trying to bring in all these complicated sort of issues. And it's making it very, very hard to see where it's going to go. That said, the progressives seem to have signaled that they are okay at 1.75, that they're okay with the big buckets, that they got enough of their key priorities in. We talked about this a little bit the last time. At a certain point, it became everyone.

Jonathan Fansmith:

It almost died, right. It almost died. And everyone stepped back for a second and said, "Look, we can't have this kind of a loss for the Biden administration. It's better to get something on some of our policy priorities than nothing on our policy priorities. And there's a really big election next year, and we got to get it done soon enough, so people start seeing the benefits of this bill before they go to the polls." So, I think the progressives have essentially said barring something truly different from what was in the framework agreed to, that they'll go forward with it.

Justin Draeger:

So, do you want to predict here and now, will we have a passed and signed reconciliation bill before Christmas?

Jonathan Fansmith:

I think we will have a passed and signed reconciliation bill before December. At the very end of November would be my guess.

Justin Draeger:

All right. So right after Thanksgiving, yeah.

Jonathan Fansmith:

My guess is it'll go to the Senate next week, and then it'll bang around the Senate. As they try to get it through Byrd rules, something will be changed, they'll have to go back to the house, and it'll come around. And that'll be it.

Justin Draeger:

So, people heard it here first. Jon, this will determine your future participation on this podcast. So let's just see.

Jonathan Fansmith:

I mean that could go either way. I could throw it intentionally and then not have to deal with the invites.

Justin Draeger:

Well, yeah, that's true. Well, if you're wrong, you'll be on more often because then you'll be in good company. So all right. Very good. Well, we'll keep our eyes and ears opened on all of that. One of the things that we hear sometimes, Karen, about the Pell Grant increase is that, once in a while, we'll hear folks say, "Well, can't we focus a little bit more on middle income families? Like, what are we doing to help those who don't qualify for Pell, take on a bunch of loan debt?" Can we get them Pell grants? How does this Pell increase impact them, or any Pell increase for that matter?

Karen McCarthy:

Yeah. Thanks for mentioning that, Justin, because I meant to bring that up. We just today put out a Pell report that we can include in the show notes that kind of gets down into the weeds into how the statute is written with regards to Pell scheduled awards and how the Department of Ed creates those Pell tables. So everybody's familiar with the Pell tables that you look up. It tells you a student's Pell eligibility. But very few people have really taken the deep dive to understand how the department makes those.

Karen McCarthy:

And so we spent some time analyzing that because we had heard some of these issues. Why can't we make more students Pell eligible rather than just increasing dollars for already eligible students? And what we learned by doing this deep dive is that those two things go together, and you can't get one without the other. So whenever the maximum Pell grant goes up, the eligible EFC range gets a little bit longer as well. And you can't do one without the other. If you expand the eligible EFCs, then the dollar amounts will automatically go up for everybody. So you do get both things at the same time by increasing the maximum Pell award.

Justin Draeger:

Yeah. And you could play with some of the federal methodology too, but even if you changed the federal methodology, which just happened like last year, when we're determining max Pell eligibility in the future in 24-25, when the department gets this implemented, the model stays the same. This model if you increase the maximum grant, and you'll expand the EFC threshold numbers.

Karen McCarthy:

Right.

Justin Draeger:

So, all right. That's very helpful. People can check out that issue brief. So in effect, we are helping middle income families as we increase the max grant is kind of the headline there. Okay. Karen, also happening in Washington, D.C., this week, negotiated rule-making. We are in the second round of a basket of really thorny and weedy issues. Anything you want to highlight there?

Karen McCarthy:

Yeah. They just started their second week. So they're going through some revised issue papers that the department sent out to negotiators. And one of the items, when I took a quick skim through the issue papers, there are a lot of really weedy issues that they're talking about. But one of the kind of higher level issues that I know there's a lot of public interest in is the topic of income driven repayment plans for the first session that they had last month. The department did not come to the table with any regulatory language. Basically what's they came to the table with are, "These are the issues that we see in income driven repayment plans. These are the questions. These are discussion topics that we want to talk about." And in those lists of discussion topics, they acknowledge some of the limitations of the current IDR plans that we have now, and that the lowest payment threshold is generally 10% of discretionary income.

Karen McCarthy:

Some people struggle with that, depending on what your loan debt is. Even making an IDR payment, your balance can be increasing even though making your monthly required monthly payment. They also acknowledged the challenges with getting people enrolled and staying enrolled, and that there are right now four income driven repayment plans, and that different plans have different eligibility criteria and right standards. And that it can make it complicated for students to choose which one is the best one for them. So, these are all the items that they hashed out in the last session. And, I was interested to see in the issue paper that they will be talking about this week, that the department is proposing a fifth income driven repayment plan. So, they have not taken in all the discussion in and come back and said, "Okay, we really need to simplify and streamline and make some changes." What's on the table, which they will be discussing later this week, is another income driven repayment plan called the extended expanded ICR plan. And so there's so is-

Justin Draeger:

Well, what's the idea here is the ideas. So, clearly if they acknowledge upfront that we have too many repayment plans, but then they propose another, what's the trade-off? Is the tradeoff that like, everybody can get into this one? Like, it's not constrained by when you took your loan out? What is it? Is it more generous?

Karen McCarthy:

I don't know. Yeah, they haven't-

Justin Draeger:

What is the point?

Karen McCarthy:

Yeah, I'm going to try to find out more about the detailed agenda to see when they talk about, because anybody can listen in if you want to.

Justin Draeger:

Yeah.

Karen McCarthy:

They have a lot of discussion questions. Like what should the terms be of this new income contingent repayment plan? Like when should the forgiveness happen? So, I think that they haven't hashed all of that out. Then, there's not even really a rationale of why they proposing a fifth IDR. So I'd be really interested in hearing more about that.

Justin Draeger:

Because, right now, if I'm in an IDR plan that's based on when I took my loan out, right, I can still consolidate at any time or even reconsolidate into the most updated IDR plans. Can't I?

Karen McCarthy:

I believe you can. There are some scenarios though, where the older plan is better for you.

Justin Draeger:

Oh. So you wouldn't want to consolidate all of your loans?

Karen McCarthy:

Yeah. So I think one of the concerns is that. And I think part of the reason why we ended up in this situation of just adding more plans is that nobody wants to take benefits away. So you don't want to force people to give up a plan that based on their individual circumstances is the best plan for them and what they're looking for, and force them into some newer plan.

Justin Draeger:

This is mind-boggling.

Karen McCarthy:

I know. I think that's part of the challenge. It makes me think of like cell phone plans and you know, they let you hang out, but if you want to change any little thing, oh, now you need to upgrade. Like it-

Justin Draeger:

Yeah. I think that's a great example. As a note, I was on the phone with, AT&T a couple years ago and they were like, "Holy cow, you've been with us for 20 years." And I'm like, "Do you know like the mental toll it would take for me to change my cell phone and plan at this point?"

Jonathan Fansmith:

I think they know that. That's their marketing strategy.

Karen McCarthy:

Yeah.

Justin Draeger:

It wasn't like, congratulations. It was like, "Oh my gosh, you've been with us for 20 years." And I was like," I don't want that pointed out." I'm like, what am I paying? I'm probably paying, I don't know, a hundred percent more than the newest customer.

Karen McCarthy:

Yeah, you don't get a good deal. You do not get good deal.

Justin Draeger:

All right. No, all right. That one hit home. Yeah. Good analogy, Karen. All right. Well, we'll watch how this plays out. The policy team and the comms team will be publishing summaries as they move through negotiations this week. So people can stay affixed to Today's News. All right, John, I don't know if we talked about this last time or not, but big question is with the vaccine mandates. The Biden administration had said that there was going to be a, they were going to require basically 100% vaccination for people who were involved in federal contracts. How's that filtering out to institutions?

Jonathan Fansmith:

Yeah. And I think we did talk about last time, and frankly, we don't know a whole lot more at this point. You know, I think the key day it is December 8th is when the administration says they need to have this fully implemented, as I believe you predicted. So here's one where your prediction was right. There were a whole raft of lawsuits, challenging the federal government's authority in this area. The big one, I think was just filed last week in Missouri. And it was led by the states of Missouri and Nebraska, and then eight other states, I believe, which I can't name off the top of my head. But that's probably the big one going after the federal government to block this. We are hoping to hear more from the Department of Education this week, about what compliance may look like with that. No guarantees, but you start to see a few agencies actually start to put out what that will mean.

Jonathan Fansmith:

NASA was I think maybe the first one to have guidance out. It is beginning to take shape, but this is a whole lot of gray areas too. I mean, we went back to this is the PPA contract, right, or a contract like instrument. A lot of these things still haven't been answered. And so as you get closer to what they will say constitutes compliance. I think there's probably going to be a bunch of tension areas about how exactly you implement that. And again, the biggest challenge is if you are in one of those 10 states, where your attorney general is suing to prevent this, who do you comply with, your state or your federal government? So complicated, messy, not very clear. Don't have much more to offer, really.

Justin Draeger:

All right. Well, we'll keep our eyes and ears.

Jonathan Fansmith:

So helpful, I know.

Justin Draeger:

That's sort of a good luck to all of you out there.

Jonathan Fansmith:

Good luck and good night. Yeah.

Justin Draeger:

We'll keep our eyes and ears open, if we hear more about this and whether the PPA is determined to be a kind... Just real quick, we expect that to come out of the department though, right? Or do you think that would come out of like OSHA or where? Who's going to make the determination of whether the PPA constitutes a contract for vaccination purposes?

Jonathan Fansmith:

I mean, I would assume it's the department. It's maybe justice. Justice, I think, would be able to interpret an executive order, and how it applies. So, but my guess would be considering each agency has such different rules for how they handle their contractors, that it'll be agency by agency.

Justin Draeger:

All right. Well, we'll keep our eyes and ears open, like I said, and report out anything that our colleagues at the federal government or at ACE put out and inform schools as soon as possible. So thank you, Karen, Jon, for being here. Hugh, catch us up. What else is going on in the news this week?

Hugh:

Yeah. Thanks, Justin. So for this week, as we've noted, the Department of Education is continuing with the negotiated rule-making process, diving into topics concerning college affordability and the student loans committee. Owen and I are going to be following along with the latest developments throughout the week and have any updates and highlights on how the ongoing conversations are shaping the regulatory language. So definitely folks should stay tuned to Today's News for the latest details on that. Also, listeners following along, it might be useful that, I'll be sure to drop a link in the show notes with this handy resource from Ed. It contains links concerning all the issue papers that have been published so far, and folks can register for the sessions if they want to tune in.

Justin Draeger:

All right. Anything else that we should be watching this week?

Hugh:

Yeah. And then also, as you've noted, we're following along the latest developments concerning what's happening with the reconciliation package and just monitoring any potential Hill action. The biggest thing we're looking for, of course, is if there's any changes being made to the actual bill text. A big indicator will be if the House Rules committee actually schedules a meeting to prep the bills for the floor. And, of course, like whether or not the there's key congressional endorsements on some sort of finalized language. It seems like things are winding down in terms of negotiations, but I feel like we've been saying that for quite a while now.

Hugh:

And my guess would be that if things garner the necessary congressional endorsements and key members indicate that they're willing to support some sort of finalized language that's actually written out, that I would think a vote would happen pretty quickly. So, we're sort of in this waiting pattern, but something happen soon. It'll be interesting to see what impact these gubernatorial elections will have on the process, whether that's going to speed things up or create some hiccups along the way. So, just another thing we're on the lookout for, and stay tuned.

Justin Draeger:

All right. People can catch up on all of that and watch for these articles as they're released in today's news. Thank you, everyone, for listening. Remember to subscribe. Tell a friend. Share the podcast, and we will talk to you again next week.