



October 28, 2019

Representative Bobby Scott
Chairman
Committee on Education and Labor
United States House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

Representative Virginia Foxx
Ranking Member
Committee on Education and Labor
United States House of Representatives
2101 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Scott and Ranking Member Foxx,

On behalf of the Association of American Universities, an association of America's leading research universities, I write to offer our comments on H.R. 4674, the "College Affordability Act." The College Affordability Act would improve access to higher education, but AAU cannot support the legislation in its current form. AAU endorses the [October 28 letter](#) sent by the American Council on Education on behalf of a broad group of higher education organizations. We look forward to working with the Committee to strengthen the bill in ways that benefit the interests of students and taxpayers.

The CAA would address critical issues like improving completion rates and institutional accountability. However, the CAA also threatens to insert unprecedented federal control over universities and sets up complicated and expensive new reporting requirements. These and other provisions would undermine the bill's primary goal to make higher education more affordable, and other laudable goals of the legislation.

Given the short time to review the bill before committee markup, these comments are focused on major issues in the CAA affecting research universities. These comments are divided into three sections: provisions AAU supports; provisions of significant concern; and provisions that do not include adequate detail to model student impact. In most cases, AAU's position is drawn directly from [our Higher Education Act Reauthorization Principles](#).

Provisions AAU Supports

AAU is committed to the fundamental guiding principle that a student's financial status should not be a barrier to higher education and supports key elements in the CAA aimed at increasing access to higher education.

AAU supports the following provisions which promote policies that would lead to greater levels of access and student success and help to ensure the integrity of student aid programs.

Pell Grants

The Pell Grant program is the cornerstone of the federal financial aid system and increasing resources for the program is a high priority for AAU. We support many Pell Grant-related provisions in the bill, including: increasing the maximum grant; linking future increases to the CPI; expanding eligibility for

incarcerated students; expanding eligibility to help more students complete college; and extending Pell Grants to graduate education to enable Pell recipients who complete college on time to carry their Pell Grant eligibility into post-baccalaureate studies. We also support a related provision that would benefit some Pell Grant eligible students – the proposed emergency SEOG grant program to assist students in completing their program of study, notwithstanding other aid they may have received.

Student Aid Eligibility for DACA Recipients and Dreamer Students

AAU supports provisions expanding eligibility for Title IV aid to Deferred Action for Childhood Arrivals recipients and Dreamer students. These programs would help these promising young students apply for federal student aid and improve their access to higher education.

Student Loans

AAU supports the elimination of origination fees on federal student loans. Loan fees mask both the true cost of a loan and the effective interest rate, and their elimination would simplify the loan process.

AAU also supports efforts to overhaul the Public Service Loan Forgiveness program, which is an important incentive for students to pursue vital public service careers. We support efforts to put the program on a more stable and sustainable path and make the application process clearer for borrowers.

We support the restoration of the Perkins Loan program and authorization levels specified in the bill.

Simplification of Financial Aid Application

AAU supports the proposed changes to simplify the process of applying for student aid and managing repayment. When a student completes the federal financial aid form, they are more likely to receive aid, attend college, and graduate.

Institutional Accountability

AAU supports the institutional accountability provisions in the bill. Specifically, we support the provisions to restore the 85/15 rule from the current 90/10 ratio and to count all federal educational funds as part of the calculation of the federal share, including active duty military and veteran educational benefits. For accountability purposes, AAU believes for-profit colleges should not be funded solely by federal taxpayers, and that federal taxpayers should not prop up low-quality schools.

AAU supports the restoration of the 2014 gainful employment regulations that would exclude programs that fail to serve students well from Title IV federal financial aid programs, regardless of the type of institution. The federal government has both the authority and the obligation to address programs that fail to properly prepare students for their chosen occupations. This rule can be changed to increase the effectiveness of oversight while also reducing unnecessary burden on institutions. The rule should be targeted to the highest risk programs and institutions.

AAU also supports the provision to establish a more transparent process for approving the conversion of for-profit institutions to nonprofit institutions. This would counteract evidence of past abuse by some for-profit institutions during the conversion process.

Title IX

AAU supports the provision that prohibits the Education Secretary from issuing or enforcing rules that weaken the administration of the prohibition of sex discrimination applicable under Title IX. Colleges and universities have a clear, unambiguous responsibility under Title IX to respond to allegations of sexual harassment, including sexual assault. The pending NPRM on Title IX regulations is highly problematic and is likely to have a chilling effect on reporting.

Title VI International Education

AAU supports the provision on Title VI programs, including the increased authorization levels. The language in this section is consistent with the House [companion bill](#) to Senators Young's and Baldwin's Title VI reauthorization bill ([S. 342](#)), although the language allowing the Secretary to give priority to MSIs is not in S. 342. The authorization level will allow for much needed investments in language and area studies including new grants to NRC and CIBER centers and increased stipends for FLAS Graduate Fellows.

Patsy T. Mink Fellowship

AAU supports the authorization language on the Patsy T. Mink Fellowship Program, which would award competitive grants to institutions of higher education for fellowships to underrepresented minorities and women seeking a Ph.D. or other graduate terminal degree with the intent of entering the professoriate. This program represents one step to address the underrepresentation of minorities in faculty and staff roles.

Student Level Data

AAU *provisionally* supports the language that strikes the prohibition on the Secretary to collect student-level data. AAU's position is based on a set of guiding principles that lay out four criteria for the implementation of a student data system:

- the data must be accurate, reliable and reproducible;
- the system must be sustainable over time;
- the system must be flexible; and
- the system must be secure, only allowing authorized access and use (including parameters for how the secretary can use/link the data to other agencies).

We would like to work with staff to ensure that these principles are maintained throughout the implementation of the system.

Provisions of Significant Concern to AAU

Campus Safety

AAU's members are committed to providing safe settings for the entire campus community and are working diligently to find new and better ways to prevent, investigate, and respond to sexual harassment and gender discrimination throughout academia. This commitment includes working with

students, faculty, and staff, and local, state, and federal stakeholders to develop practices, policies, and solutions that work. In 2015, AAU administered a landmark [survey](#) across 27 campuses on sexual assault and misconduct and followed up with a larger survey in 2019 that surveyed 33 campuses. A total of 181,752 students from 33 colleges and universities, including 32 AAU member schools, completed the 2019 Campus Climate Survey. AAU has also taken steps to help colleges and universities address this problem through a [report](#) issued in 2017 on how AAU member universities are strengthening policies and programs.

AAU has concerns with the addition of expansive federal definitions of “hazing,” “harassment,” and “sexual harassment;” amendments to the Clery Act; and mandatory reporting of new crime statistics for every study abroad program for which colleges and universities provide credit, even though they may not be offered by the institution. AAU is concerned that these expansions exceed the federal role in Title IX enforcement. These additions do not align with the definitions of a crime under the UCR currently used for Clery reporting or the institutional obligations for responding to and adjudicating complaints spelled out in VAWA. These definitions are so expansive in their scope and ambiguous in their meaning, that institutions would struggle to determine which incidents should be reported and how they should be categorized. It is also unclear if these changes will improve students’ understanding of the relative safety of their campus.

AAU has concerns with the implementation of the proposed online survey tool for campus safety. AAU strongly supports climate surveys as a critical measure to better understand the scope and nature of campus sexual assault and help institutions improve their policies and protections for students. However, individual institutions must have control over survey administration and retain the ability to develop and ask survey questions that make sense to their own unique student populations and communities. We recommend the frequency of the survey be reduced to once every four years, so as not to burden the student body, particularly survivors, and allow schools time to address and improve policies, practices, and outreach between surveys.

Accreditation

AAU supports the overarching goals of these provisions, including efforts to improve transparency in the accreditation process; college completion and workforce development; and institutional accountability and quality. AAU opposes the federal government setting the standards in these areas. Instead, we support accreditors addressing these issues with institutions in accordance with their guidelines which are recognized by the federal government. This is consistent with decades of federal policy to avoid federal standards that impinge on the academic freedom of institutions to determine their curriculum. As written, the bill’s provisions represent an unprecedented federal intrusion into the nature and structure of accreditation. While Congress should look for ways to improve accreditation where appropriate, potential reforms should avoid “one-size-fits-all” approaches that infringe on the academic freedom and autonomy of institutions.

AAU believes accreditation should promote effective assessment of student achievement in the context of the missions of individual institutions, provides flexibility for institutions with a record of stability and successful performance, and focuses attention on substandard institutions. AAU supports a system in which all institutions - working with their institutional accreditors - should be expected to provide evidence of student success in three areas: student learning experience, student academic performance, and post-graduation outcomes. The areas are drawn from a [statement on effective assessment of](#)

student achievement endorsed by all seven regional accrediting commissions and the six major national presidential higher education associations.

AAU strongly supports including a provision in the CAA that would require accreditors to implement a risk-based accreditation review. The accreditation system should respond differentially to the varying degrees of risk that different institutions present. Risk-adjusted scrutiny is a standard and indispensable regulatory practice. Regulatory variations recognize that safety investments must be tailored to the kinds of dangers they are likely to encounter.

New Institutional Staff Mandates

In multiple instances, the CAA would require institutions to hire staff to perform specific roles and would mandate that institutions create and/or staff specific offices on campus. Examples of these mandates include requiring institutions to hire a coordinator to oversee their existing obligations under Title VI of the Civil Rights Act.

AAU supports regulations necessary to protect taxpayers' investments and root out fraud and abuse. At the same time, we believe that more regulations that add compliance burdens but do not necessarily provide added accountability are unhelpful and costly. This is especially true for research universities, whose involvement with the federal government is much more expansive than the requirements outlined in the Higher Education Act.

Changes to Campus-Based Aid

AAU does not support the proposed formula changes to Federal Work Study and Federal SEOG, but instead supports increased funding overall for the programs to allow for broader access for undergraduate, graduate, and professional students across the country. Research shows that SEOG and campus-based programs in general positively impact a student's ability to afford college and improve their chances of graduating, while also requiring institutional "skin-in-the-game" to supplement federal dollars. The proposed new formula could simply reallocate dollars from needy students in one part of the country to needy students in another.

Foreign Gifts Disclosures

While AAU supports the requirement for negotiated rulemaking and stakeholder engagement, any additional requirements should not be specified in statute but negotiated through the rulemaking process. Through such a process, we would support a tuition exemption and believe that there is limited value added in reviewing disclosures as far back as 2000 as the bill requires.

Federal Cost Calculations for Room and Board

AAU has concerns with the requirement that the secretary prescribe at least one methodology for determining the cost of room and board for students living off campus. Calculations for off-campus room and board are most appropriately made by colleges and universities.

Free Community College Program

AAU appreciates the intent of the free community college program, but complexities in the proposal and expensive maintenance of effort requirements would likely negatively impact students at public and private research universities.

Provisions that do not include adequate detail to model student impact

Repayment Plan Consolidation

AAU supports the concept of streamlining the number of repayment plans for students, but we do not have enough detail about the two repayment options proposed in the bill to know which students could potentially be disadvantaged by this provision. We are particularly concerned about potential negative effects on graduate and professional students. We continue to urge Congress to maintain graduate student loan options, strong repayment terms, and loan forgiveness options that put graduate and professional studies within reach for all interested students.

New Accountability System

While AAU has previously stated that the cohort default rate may not be sufficient to ensure accountability for all institutions of higher education, the proposal for a new accountability system outlined in the legislation is needlessly complicated and lacks sufficient detail to reasonably anticipate its impact and effectiveness. Using program loan repayment rates to determine Title IV eligibility should be closely analyzed and modeled to determine whether it has any negative consequences or unintended consequences for students and institutions, particularly those serving at-risk students.

We appreciate the opportunity to offer comments on the bill. It is unfortunate that so little time was available to review this complicated and comprehensive bill to reauthorize the HEA. We look forward to working with you and the Committee to improve the College Affordability Act in ways that will achieve our shared goals of making higher education more affordable, accessible, and accountable. Thank you for considering our views.

Sincerely,



Mary Sue Coleman
President