



October 28, 2014

## **OVERVIEW**

The 113<sup>th</sup> Congress is scheduled to adjourn on January 3, 2015, but in between now and that date, the Senate and the House are on recess and members are campaigning for their seats for the November 2014 election. Before the recent recess, Congress and the President were able to avert a government shutdown, and the Administration published new regulations to support the Violence Against Women Act.

### **Continuing Resolution Funds the Federal Government Through December 11, 2014**

President Obama signed a FY2015 Continuing Resolution (CR)—H.J. Res 124 on September 19, 2014, that will fund the federal government through December 11, 2014. After the Senate passed the CR, Senate Appropriations Committee chair Sen. Barbara Mikulski (D-MD) said the goal of the CR “is to lay the groundwork for an omnibus funding bill in December that will include all 12 appropriations bills.” Senator Mikulski said she supported the bill because it avoided a government shutdown, does not harm existing important programs, provides funding for the nation’s security, and will allow Congress time to negotiate an omnibus appropriations bill. The bill sets the discretionary funding level for the federal government during CR period at an annual rate of \$1.012 trillion.

### **New Regulations Published on the Violence Against Women Act**

On October 20th, the U.S. Department of Education (ED) published final rules on changes to the Clery Act as required by the Violence Against Women Act of 2013 (VAWA). The Clery Act requires colleges to disclose campus safety information and imposes certain requirements for handling incidents of sexual violence. The new rules modify the crime statistics that colleges must report and specify policies that must be included in the annual security reports. The new regulations also outline training efforts to prevent sexual assaults on and off campus. The final regulations will not go into effect until July 1, 2015.

The new regulations come at a time when colleges are faced with new state requirements under SB 967 (De León) Sexual Assault and AB 1433 (Gatto) Student Safety. While the VAWA includes requirements similar to those bills (reporting to local law enforcement, training of campus officials, increased use of outreach and prevention programs), the affirmative consent standard in SB 967 is not part of federal law. However, this standard is thought to be where federal policy is headed and may eventually become the standard nationwide.

## **FEDERAL LEGISLATION – BILLS OF INTEREST**

### **Signed by the President**

As previously reported, two pieces of legislation were signed by the President that were of interest to our system, including, H.R. 3230: Veteran’s Access, Choice, and Accountability Act. This measure was written to provide resources and address the Veteran Administration’s healthcare crisis, and has the effect of requiring states to charge all veterans in-state tuition, and is effective July 1, 2015. California passed AB 13 (Conway) to align state policies with the new federal law, but clarifying legislation might also be needed.

The other measure of interest signed by President Obama was the Workforce Innovation and Opportunity Act. This bill reauthorizes the Workforce Investment Act, as well as revising provisions to place a greater emphasis on career pathways and the attainment of postsecondary credentials. Both the Department of Labor and Department of Education will be developing significant regulatory guidance following passage and during implementation.

### **Introduced Legislation – Not Signed**

A number of federal bills of interest were introduced, and at this late stage in the federal legislative calendar, these measures are not expected to move forward. That said, if they are to advance, the substance of these bills would have to be reintroduced in other measures in January 2015 when the 114<sup>th</sup> Congress convenes. A review of the following measures could provide some insight into what the next Congress may pursue in 2015:

- **Higher Education Act (HEA) reauthorization stalls** - While progress was made during the summer, HEA reauthorization will not happen in the 113<sup>th</sup> Congress. The last reauthorization in 2008 took six years to complete and Congress appears to be on a similar track into 2015.
- **H.R. 359: CAMPUS Safety Act of 2013** - This bill, introduced by Representative Robert Scott (D-VA) would establish and operate a National Center for Campus Public Safety.
- **H.R. 803: The Support Knowledge and Investing in Lifelong Skills Act (SKILLS Act)** - H.R. 803, also known as the SKILLS Act relates to statewide and local workforce investment systems and activities, identification of eligible training services providers, and use of funds for employment and training activities.
- **H.R. 1949: Improving Postsecondary Education Data for Students Act** - This bill would direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency.
- **H.R. 2637: the Supporting Academic Freedom Through Regulatory Relief Act** -. This bill repeals: 1) the gainful employment regulation; 2) the state authorization regulation, which forces states to follow federal requirements when deciding whether to grant an institution permission to operate within the state; and 3) the credit hour regulation, which establishes a federal definition of a credit hour and increases the government’s control over institutions’ academic affairs.
- **S. 3: Strengthen our Schools and Students Act** - Senate Bill 3, introduced by Senator Harry Reid (D-NV), would build upon recent efforts to continue to make higher education more affordable and to improve access and success for all students.
- **S. 216: Tyler Clementi Higher Education Anti-Harassment Act of 2013** - This bill would authorize the Secretary of Education to award grants, on a competitive basis, to eligible entities to enable them to carry out authorized activities such as counseling or redress services to students who have suffered from harassment or students who have been accused of subjecting other students to such harassment; or to educate or train students, faculty, or staff of institutions of higher education about ways to prevent harassment or ways to address such harassment if it occurs.
- **S. 1990: Eligibility for Postsecondary Education Benefits** - This bill would prohibit states from offering in state tuition to undocumented immigrants unless they offer in-state tuition to all Americans.