FY 2015 Appropriations

Congress left for the 10-day Thanksgiving break without any agreement in place on how to fund the federal government after the CR expires December 11.

Democrats in both chambers say they would support an omnibus package to ensure government spending through the next fiscal year, while Republicans are still weighing whether to use another CR. With the Republican leaders' strategy is in limbo, Chairman Hal Rogers (R-KY) has directed subcommittee chairmen to meet with their ranking members and their Senate counterparts to negotiate the final versions of the 12 bills that will be rolled into an omnibus providing $1.014 trillion in discretionary funds.

House and Senate appropriators remain optimistic that the two chambers will manage to pass a 12-bill omnibus spending package, with final negotiations between the full-committee chairmen and ranking members -- Representatives Hal Rogers (R-KY) and Nita Lowey (D-NY) and Senators Barbara Mikulski (D-MD) and Richard Shelby (R-AL) -- planned for the first week of December. The goal is to resolve differences by December 5 so an omnibus can be introduced in the House on December 8.

Difficult decisions still need to be addressed on whether to include some controversial policy riders, including blocking the “gainful employment rule” and the “college rating system” and whether to agree to demands from some rank-and-file Republicans to use the omnibus to try to block the President’s executive order on immigration.

Immigration Reform

President Obama outlined his long-awaited plan for executive action on immigration reform, which is expected to shield some 5 million undocumented immigrants, significantly impacting higher education on all levels. The timing of the implementation of each action will be different, with some taking place very soon and others, particularly those requiring regulatory review, taking several months or longer.

The plan has several components, including an expansion of the 2012 Deferred Action for Childhood Arrivals (DACA) program that has deferred the deportations of nearly 600,000 younger illegal immigrants brought to the United States as children, the so-called DREAM students.

The program will be expanded to include individuals brought to this country as children if they entered before January 1, 2010, regardless of how old they are today. Under the current terms of DACA, individuals are eligible for deferred action on deportation if they can prove they were brought to the United States before they turned 16, are younger than 31, have been in the country for at least five continuous years, have no criminal history, and graduated from a U.S. high school, earned a GED, or served in the military.

In an effort to support family unity, the President has ordered that undocumented parents of U.S. citizens and lawful permanent residents will be eligible for deferred action. Individuals who have been
in the country since January 1, 2010, can request deferred action and employment authorization for three years, in a new Deferred Action for Parental Accountability program, provided they pass required background checks, pay fees, and pay taxes.

The President also is proposing to expand Optional Practical Training (OPT) opportunities for international F-1 students in science, technology, engineering and math (STEM) fields. Proposed changes are expected to include expansion and extension of the existing program and to require an ongoing link between work and course of study through continued ties between OPT students and institutions after graduation. The length of the extension and possible “dual intent” for students is still under consideration, and will need to be worked out in the rulemaking making process.

**Higher Education Act**

Senate Health, Education, Labor, and Pensions (HELP) Committee Chair Tom Harkin (D-IA) announced the introduction of the *Higher Education Affordability Act* (HEAA), to reauthorize the Higher Education Act. The bill includes many provisions, which were in an earlier draft HEAA bill see summary here. Senator Harkin will be retiring at the end of this year and the legislation is unlikely to move this Congress. The bill summary, bill text, and bill section-by-section are available.

Several new provisions include:

- Restore year-round Pell Grants to part-time students; and offer Pell bonuses to institutions that enroll low- and moderate-income students
- Extend for five years and reform the Perkins loan program and the other campus-based aid programs so their allocations are more closely tied to how many low- and middle- income students an institution serves.
- Create a student unit record system to track student performance and employment outcomes across higher education.
- Establish a pilot program for streamlining the application for federal student aid in which students, barring any significant change in their financial situation, would apply for aid only once for four years.