

INSIDE HIGHER ED

Higher Ed Deal in the Works?

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Senator Lamar Alexander is seeing time ticking down on passing a rewrite of the nation's main higher education law this year, and during his career.

Though he didn't say it is a drop-dead deadline, the Tennessee Republican and chair of the Senate's education committee said in little-noticed remarks two weeks ago before a group of community college trustees that he wants to have a bill to reauthorize the Higher Education Act passed by his committee by the end of March -- or only about a month from now.

The goal was in recognition of the fact that even after it passes the committee, the first revamp of the law since 2008 would have a long path to reach President Trump's desk by the end of the year.

"I think we can make some progress if we get out of our committee by the end of March," he said of working with Washington senator Patty Murray on the bill, according to a transcript made available by his staff of his Feb. 11 remarks at the Association of Community College Trustees' annual legislative summit.

In a statement, a committee spokesman reiterated that the clock is ticking. "The committee should consider and approve legislation early this spring to give the Senate enough time to pass a bill that can be signed into law by the end of the year," the spokesman said.

Whether he and the committee's top Democrat, Murray, can reach a deal in the next month, or at all, is anybody's guess, several higher education lobbyists said. Republican and Democratic committee staff have been closemouthed about their negotiations, which are said to have continued through the holidays and during the Senate's impeachment trial.

The possible bill still faces the major stumbling block of finding a bipartisan response to the controversial Title IX rule Education Secretary Betsy DeVos is expected to issue soon. The rule, which will set new requirements on how institutions deal with sexual assault and harassment allegations, would among other provisions include a mandate that the accused be able to cross-examine their accusers -- something Murray strongly opposes and insists be dealt with in a higher education bill, along with increasing student aid.

Although lobbyists note that Alexander has set and missed timelines for reaching a goal before, time is an obstacle to reauthorizing the law this year, said Craig Lindwarm, the Association of Public and Land-grant Universities' vice president of government affairs.

In a year when many senators will be home campaigning for re-election and attending national party conventions, the Senate will be in recess for nearly all of August and October. In the remaining time, Alexander and Murray will have to rally the full Senate to approve the bill, then work out a compromise with the Democratic House, whose Higher Education Act proposal would spend an additional \$332 billion over 10 years, which is far more than what is expected from the Senate. A Senate bill also would have to vie with other major bills for time on the floor for debate.

"There are factors outside their control, like the congressional schedule," Lindwarm said. "There's only so much time left before the end of this Congress."

The Next Republican Chair?

But despite the obstacles, and skepticism that it will happen, both Alexander and Murray have a number of incentives to get a deal done -- including the fact that it's their last chance before Alexander retires at the end of the year.

Those hopeful for a deal point to the fact that the two senators have a history of being able to find compromise on complex legislation, including the Every Student Succeeds Act they negotiated in 2015.

Back home in Washington State two weeks ago, Murray brought up their relationship when asked by a local public radio station if it's still possible to work out bipartisan deals in Washington, D.C.

"That is what I do every day. I've done it with Paul Ryan in putting together a budget deal no one thought that we could do. [Or] in working with Lamar Alexander in rewriting No Child Left Behind," Murray told [KNKX](#). "I'm working with Lamar now to rewrite the Higher Education Act to address the cost of college and safety on campus."

Alexander also spoke about his relationship with Murray in his presentation to the community college trustees. He also cited his work with Murray on No Child Left Behind.

"You think higher education is hard? That was hard," he said. "And I'd like to do the same thing for higher education."

Once Alexander is gone, Murray will be dealing with somebody else. For her, one motivation to get a deal done this year that it's hard to know who that will be.

The Senate generally goes by seniority in deciding who chairs committees. Senator Richard Burr of North Carolina is the committee's next senior Republican. But he also is chairman of the intelligence committee.

Burr will hit the Senate's time limit for chairing that committee, but he could seek a waiver. It's unclear if he will.

"We'll decline to speculate about chairmanships in the next Congress at this time," said a spokeswoman for Burr.

If Burr passes on the chairmanship, Senator Rand Paul of Kentucky would be next on the list. Many are skeptical Mitch McConnell, the Senate majority leader, will allow Paul to chair the committee, because he's not known for toeing the line. And it's unclear if Paul would be interested in the chairmanship. His spokesman declined comment.

"I don't think I've ever heard him talk about education at all. I don't think it's a primary issue for him," said Neal McCluskey, director of the libertarian Cato Institute's Center for Educational Freedom. He added that Paul could still be interested in chairing the Health, Education, Labor and Pensions Committee because it is also the main committee handling health-care policy.

And Paul could be sympathetic to the belief among many libertarians and conservatives that federal student aid leads to higher tuition, the so-called Bennett hypothesis. He could push to eliminate or cut federal aid, he said, although he might settle for cutting back programs like Parent PLUS that are not focused on low-income students, McCluskey said.

Senator Susan Collins of Maine is next on the list. But Collins faces a tough re-election fight and may not be in the Senate next year. If she is, Collins could be in position to chair the powerful appropriations committee.

Next up after her is Senator Bill Cassidy, a Louisiana gastroenterologist who might be interested in working on health-care policy.

"Chairmanship succession can be unpredictable, depending on the complicated Rubik's cube of committees and seniority and requests that Senator McConnell may face," said Carrie Wofford, president of Veterans Education Success and former Democratic senior counsel of the HELP Committee.

Another lobbyist said, "Both Sens. Murray and Alexander have a strong incentive to reach a deal now, because Alexander very much wants the higher ed feather in his cap before he retires."

The lobbyist added in an email that "Senator Murray is looking at a future chairman (or ranking member) with whom she may not have such a strong partnership."

During the meeting with two-year college trustees, Alexander said now is not the time to hold out for a better deal.

"If you don't get it done this year, it'll probably be another 10 years before you get the job done properly," he said.

Factoring in a New White House

Murray may be less concerned about who her Republican counterpart is if Democrats gain the four Senate seats they need in November to ensure having the majority. But that's considered very iffy.

A Democratic president who would push to make college more affordable could help Murray secure more financial aid funding in the Senate. But the election of a candidate like Bernie Sanders or Elizabeth Warren, who are calling for major changes like free college and forgiving student debt, could also make that harder.

“They could wind up moving the goalposts pretty considerably for what constitutes a ‘good deal’ and could make it even harder for Senator Murray to live up to expectations and hold the Dem caucus together,” a higher education lobbyist said in an email.

According to Alexander, though, there are a number of elements for an HEA bill on which he and Murray have been able to find agreement, including allowing use of Pell Grants for short-term programs. He mentioned the bipartisan Jumpstart Our Businesses by Supporting Students (JOBS) Act, introduced last year by Senator Rob Portman, an Ohio Republican, and Senator Tim Kaine, a Virginia Democrat. The bill would allow Pell money to be spent on programs as short as eight weeks that are designed to help students quickly find employment.

“We believe the Rob Portman and Tim Kaine’s legislation would be a good idea, so we’re committed to that,” Alexander said of Murray and himself at the community college event.

Alexander also said he and Murray agree on further simplifying the federal financial aid application. Twenty-two questions were cut under a law Congress passed last year. “We have bipartisan support to further reduce the FAFSA from 108 to 18 to 32 questions,” Alexander said

Lindwarm said he thinks a reauthorized HEA is a possibility in 2020.

"Alexander and Murray have cut deals before," he said. "No one should think that they can't do it again."