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## NCHER Daily Briefing Publishing on Abbreviated Schedule This Month

The *NCHER Daily Briefing* will publish on an abbreviated schedule consisting of today and Thursday while Congress remains in recess. Both chambers are expected to return to legislative business after the November election.

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## Weekly Rundown

The NCHER Weekly Rundown, which includes the latest information on important events in Washington, DC, is available today and can be downloaded from the [NCHER website](#).

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## Eighth Circuit Court of Appeals Grants Temporary Stay of Federal Student Loan Forgiveness Program

Last Friday, the U.S. Court of Appeals for the Eight Circuit issued an [order](#) granting an [emergency motion for administrative stay](#) prohibiting the U.S. Department of Education from discharging any student loan debt under its federal student loan forgiveness program until the court rules on a motion for an injunction pending appeal. The emergency motion was filed after U.S. District Court for the Eastern District of Missouri Judge Henry Autrey dismissed the lawsuit filed by six states asking the court to declare that the Biden Administration's federal student loan forgiveness program violates the U.S. Constitution's separation of powers, violates the Administrative Procedures Act, and is arbitrary, capricious, and an abuse of discretion. The states, which include Nebraska, Missouri, Arkansas, Iowa, Kansas, and South Carolina, argued that the Department of Education be temporarily restrained and preliminarily and permanently enjoined from implementing the new program. In a 19-page order, Judge Autrey concluded that the states lacked standing to bring the suit, though he acknowledged that the complaint raised "important and significant challenges to the debt relief plan."

In the emergency motion that was granted, the states said, "each day that the Department cancels debt directly reduces revenue to state entities...financial support for state higher education, and future tax revenue to the states under operation of current law. In addition, each day of debt discharge impairs the states' sovereign and quasi-sovereign interests." The motion claimed that such harms are likely to be significant, and to occur rapidly. The motion also included a request for expedited briefing on the motion for an injunction pending appeal, which was granted, with the U.S. Department of Justice's response due today on or before 5:00 p.m. CT, and the reply by the states due tomorrow on or before 5:00 pm CT.

For additional coverage, see these articles from [ABC News](#) and [NPR](#).

## President Biden Delivers Speech on Federal Student Loan Relief at Delaware State

On Friday, President Joe Biden spoke to a group of students and faculty at Delaware State University about his federal student loan forgiveness plan. During the [speech](#), the President announced that roughly 22 million borrowers had already applied for the relief, with a majority of these applications coming from mobile devices. He also reminded borrowers that the application for the time-limited waiver of the Public Service Loan Forgiveness program was due on October 31. The President criticized the loan forgiveness program's detractors, saying, "Republican members of Congress, Republican governors, are doing everything they can to deny this relief even to their own constituents. As soon as I announced my administration's plan on student debt, they started attacking it saying all kinds of things. Their outrage is wrong and it is hypocritical." He commented on the ongoing legal attempts to block the program, saying, "They've been fighting us in the courts, but just yesterday a state court and the Supreme Court said, 'No, we're on Biden's side.'" The President's remarks took place before the U.S. Court of Appeals for the Eighth Circuit granted a temporary stay of the program.

Following the President's remarks, Education Secretary Miguel Cardona published an [op-ed](#) in USA Today, stating, "Amid some Republicans trying every which way to block the Biden Administration's debt relief program, the Department is moving full speed ahead with preparations for the lawful implementation of our program so we can deliver relief to borrowers who need it most." He urged student and parent borrowers to continue applying for the relief and said that the court's decision does not stop the U.S. Department of Education from reviewing the applications nor preparing documents for loan servicers. "Today's temporary decision does not stop the Biden Administration's efforts to provide borrowers the opportunity to apply for debt relief nor does it prevent us from reviewing the millions of applications we have received," Secretary Cardona said over the weekend.

## Politico: Federal Student Loan Forgiveness Plan Subject of Growing Number of Campaign Ads

This morning, Politico reported that the White House's new federal student forgiveness plan was the subject of a growing number of campaign ads run by both Democrats and Republicans in the upcoming midterm election. On the Democratic side, Building Back

Together, a pro-Biden outside political group, is running digital ads to promote student debt relief in several battleground states. In Georgia, Sen. [Raphael Warnock](#) (D), who is locked in a tight race with Republican Herschel Walker, is one of the few Democrats running on student loan forgiveness. Sen. Warnock's campaign has run digital ads promoting his record in the Senate, noting that he "pushed the President to relieve student loan debt." On the Republican side, in Wisconsin, a political group supporting Sen. [Ron Johnson](#) (R-WI) is [airing a TV ad](#) attacking Democratic challenger Mandela Barnes as "oblivious" to economic concerns. The ad by Wisconsin Truth PAC says Ms. Mandela "supported Biden's student loan forgiveness plan that cost every taxpayer \$2,000." In North Carolina, a political organization aligned with Senate Minority Leader [Mitch McConnell](#) (R-KY) is running several versions of [TV ads](#) attacking Democrat Cheri Beasley, who is running against Rep. [Ted Budd](#) (R-NC) for an open Senate seat. "You made good choices, paid your own bills, avoided going into debt," the Senate Leadership Fund says. "But Cheri Beasley wants to force you to help pay off student loans for doctors and lawyers, even couples making up to a quarter million dollars a year." [Another version of the ad](#) says student debt relief is "a question of fairness." Republicans have decried federal student loan forgiveness as an illegal handout to borrowers who do not need the help and have said that they will use the issue to hammer Democratic candidates in several competitive races in the remaining weeks before the election.

## College Board Releases Trends in College Pricing and Student Aid Reports, Finds Pandemic Still Affecting Postsecondary Education

Today, the College Board released its annual [Trends in Higher Education Reports](#) that examine college cost and student aid. The Trends in College Pricing found that more institutions of higher education raised tuition and fees for the 2022-2023 school year than in the previous two years. However, the increases were historically low at public institutions (1.8 percent for in-state students at public four-year colleges), and only moderate at private non-profit four-year institutions (3.5 percent). Since the 2016-2017 school year, the average net tuition and fees price paid by students at both public and private universities has been declining, after adjusting for inflation. The Trends in Student Aid report found that borrowing and student loan debt also continued to decline, with grant aid continuing to make up a larger portion of total aid to students. This was the tenth consecutive year in which annual borrowing declined overall. In total, \$94.7 billion

was borrowed by students and parents in federal and nonfederal loans.

## U.S. Department of Education News

For today's Federal Register, click [here](#).

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### General News

[Higher Ed Dive](#) publishes a running list of legal challenges to the White House's federal student loan forgiveness plan.

[Inside Higher Ed](#) reports on the growth of direct admissions, where institutions of higher education reach out to students to offer them admissions vs. the traditional application process.

[FiveThirtyEight](#) reports on polling data asking likely voters about the value of college.

[Education Reform Now](#) publishes a report criticizing early-decision admissions programs as unfairly benefiting wealthier applicants.

The National Association of Student Financial Aid Administrators and HCM Strategies published a [report](#) after surveying 17,000 college students to better understand how emergency COVID-19 relief money was spent at colleges and universities across the country.

An online version of this Daily Briefing is available to view and print from the [Daily Briefing Section](#) of the [NCHER e-Library](#).

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