

# Opening the Doors to Higher Education: Perspectives on the Higher Education Act 40 Years Later

Prepared by TG Research and Analytical Services

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## Introduction

It rained that day, forty years ago. The wet, chilly weather convinced the planners to bring the ceremony indoors. The gym would do. The official itinerary called for the signing to occur in front of Old Main facing the quad and the marching band. The President could have chosen to sign this landmark legislation inside the White House with maximum pomp and circumstances. Or he could have selected an Ivy League school for his backdrop since this was the most significant higher education bill to pass Congress in decades. Lyndon Johnson could have signed the Higher Education Act (HEA) of 1965 in the shadow of one of the world's leading research universities. The President, however, chose his own *alma mater*, Southwest Texas State College (now Texas State University), at which to sign this legislation. He was making a point.

President Johnson had taken a personal role in the passage of the HEA, a bill that promised to remove financial barriers to college for any student academically gualified. For example, he had met with reluctant bankers who strained to see the financial logic in lending to young students with no credit history, no collateral, no co-signer, and no certain chance for economic success after school. President Johnson won the bankers over though, appealing to both their civic duty and their own interests. President Johnson used a story from his own experience as a financially lean, but enterprising college student to demonstrate to the lenders how their monetary interests were intertwined with the aspirations of common, hard-working students who did not have the out-of-pocket money to pay for college. So, it was not surprising that the ceremonial signing of the HEA would have a personal tone. The President would sign the bill sitting at the same desk he used working as a secretary to the college president while still a college student. The ceremony was to have taken place in front of Old Main, a building whose floors President Johnson had swept as a janitor.

\* \* \*

The HEA of 1965 has opened the doors of higher education to millions of academically qualified students. Like most bills that pass Congress, the HEA had resulted from numerous compromises. Congress has had several opportunities to review and modify the legislation over the years, but a solid foundation had been laid in 1965 in San Marcos, Texas, establishing a federal role in providing need-based grants, work-study opportunities, and loans to students willing to invest in themselves. Outreach programs were also created to help the most economically disadvantaged students. This report is organized into three main sections. *Historical Background* traces early developments in higher education policy beginning with George Washington's Administration. From the founding of the country, the federal government has seen a role for the federal government in promoting higher education and ensuring that the new territories set aside land for colleges – a program that would help democratize higher education, while also elevating the minds of the settlers. The HEA sprang from a tradition of support for colleges that President Johnson acknowledged by appointing former President Truman to chair his higher education advisory commission. Yet the HEA was also a break from previous federal programs.

*HEA: From Proposal to Passage* covers the momentous activities and circumstances that led to the passage of the act. This section introduces many of the personalities who helped shape the legislation and usher it through the process. The initial titles that formed the foundation of the act are described in this section. Title IV, which created the student aid programs and the TRIO programs, was perhaps the most significant title.

How Title IV has changed overtime is the subject of Reauthorizations of the HEA Title IV. Congress has frequently amended the HEA, most notably during regular intervals known as "reauthorizations" because the act requires periodic legislation to become renewed or else must expire. These reauthorizations have sometimes resulted in minor changes, while at other times they have significantly restructured the programs such as when creating the Basic Education Opportunity Grant (now Pell Grant) in 1972. Despite changes in party leadership in Congress and the presidency, the HEA has retained bipartisan support. Each reauthorization has attempted to address the issue and challenges of the day, while trying to move closer to President Johnson's goal of keeping the doors to higher education open for all academically qualified students regardless of their financial circumstances. Just as President Johnson was disappointed that the signing ceremonies had to be brought indoors, so too have advocates for equal education opportunities been periodically frustrated over the financial barriers to higher education that still persist. They await their day in the sun.

# **Chapter 1: Historical Background**

"Nor am I less persuaded that you will agree with me in opinion that there is nothing more deserving your patronage than the promotion of science and literature. Knowledge in every country is the surest basis of public happiness..."

> -President George Washington in his first address to Congress, 1787

## The 18th Century

"...Whether this desirable object [knowledge] will be best promoted by affording aid to seminaries of learning already established, by the institution of a national university, or by any other expedients, will be well worthy of a place in the deliberations for the legislature."<sup>2</sup> –George Washington, President, 1790

The federal government of the United States has been a major factor in higher education policy for far longer than most people realize. Since very nearly the beginning of the nation, higher education has been a federal priority. In the 18th and 19th centuries, a number of important developments in higher education resulted from federal action. One can trace federal support for higher education through the Seminary Land Grants, the land grants of the Morrill Act of 1862, the founding of a federal Bureau of Education, and a second Morrill Act in 1890.

The United States inherited this view of the importance of higher education from the early settlers of parts of the country. For example, the founders of the Massachusetts Bay Colony had a very high per capita level of education. Over 100 of the early settlers of Massachusetts had graduated from Cambridge and approximately one-third that many from Oxford.<sup>3</sup> They viewed higher education as indispensable to maintaining their way of life and began founding colleges for their progeny to attend almost immediately. The establishment of nine institutions of higher education, including Harvard, Yale, and William and Mary, predate the Revolutionary War.

One of the many issues the nation undertook to solve at the end of the Revolutionary War was the provision of higher education to the settlers of the new lands. The 13 states were left with a considerable debt at the end of the war. At the time, the western boundary of the United States was the Mississippi River. Each of the states had complicated and conflicting geographical claims to the land from their eastern borders to the river. In order to settle these disputes and retire their debts from the Revolutionary War, the states agreed to turn over their western territorial claim to the United States with the agreement that the land was to be used for the common good and new states would be forthcoming. This became known as the Northwest Territories Act of 1787. As part of that act, it was required that each territory set aside two townships of land to fund the establishment of institutions of higher education. The first two public universities established under the provisions of the NW Territories Act were Miami University in Oxford, Ohio, and Ohio University in Athens, Ohio, which date from the early 1800s.<sup>4</sup> Similar "Seminary Land Grants" continued to be made as a condition of territorial settlement up to and beyond the better known Morrill Act of 1862.5

The early leaders of the United States did not succeed in realizing all of their ambitions for a federal role in higher education. George Washington, as the first President of the United States, repeatedly endorsed the founding of a national university funded directly from the federal purse. He personally set aside funds to found such a university, but was unable to convince Congress to allocate federal money for the project. The idea was revived, and again rejected, several times in the 19th century.<sup>6</sup>

## The 19th Century

"We will teach the science of high production. Our college shall be a living and ever multiplying power to make the farms prosperous and happy and enable them to compete with the cities for the best talent of the land."<sup>7</sup> –George C. Swallow, Dean of Agriculture at the University of Missouri, 1872.

The great initiatives of federal higher education policy in the nineteenth century were 1) the extension in 1803 of seminary land grants to the territories west of the Mississippi for most of the states<sup>8</sup>; 2) the first Morrill Act of 1862; 3) the establishment of the Department of Education in 1868 (changed the next year to the Bureau of Education, under the Department of the Interior); and 4) the second Morrill Act of 1890.

The mechanics of the Morrill Act were modeled largely after the seminary land grants. It set aside parcels of land in each state to fund colleges whose purpose, as stated by Morrill, was "to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."9 The Act was first passed by the Congress, with southern opposition, in 1858; however, President Buchanan vetoed it. The wartime Congress passed the act again, and President Lincoln signed it in 1862, along with the Homestead Act and the act creating a Department of Agriculture. The Morrill Act was intended to create additional colleges for what was essentially a middle class of farmers and town dwellers. Though Land Grant Colleges, as the progeny of the Morrill Act came to be called, would offer the liberal arts, their primary purpose was to deliver agricultural and mechanical training. The colleges would instruct the populace in ways of improving the means of production. Examples of institutions founded under the auspices of the Morrill Act are Texas A&M University, the University of Missouri, and Michigan State University.

In 1890, a second Morrill Act was passed to strengthen land grant colleges, but it was primarily used to fund "separate but equal" land grant institutions for African-American students. In the southern states, racist admission policies had deprived African-Americans of the benefit of the land grant institutions. The 1890 Morrill Act, in many ways, anticipated the Supreme Court's 1892 Plessey v. Ferguson decision, which enshrined "separate but equal" into the laws of the United States until the doctrine was struck down in the 1954 decision, Brown v. The Board of Education of Topeka, Kansas. Prior to that decision, some of the universities created as a result of the Second Morrill Act were Prairie View A&M University, Alcorn State University, and Florida A&M University.

In addition to the seminary land grant extensions and the Morrill Acts, Congress passed in the 19th century a bill establishing the Department of Education, which was later changed to a Bureau under the jurisdiction of the Department of the Interior. The role of the Bureau was to house a library of information relevant to teaching and learning, as well as to publish research and statistics related to education at all levels.

By the end of the century, one circumstance had changed the federal role in higher education. Previously, direct aid to higher education had been tied to land. But the U.S Census Bureau published a circular in 1890 stating that the settlements of new land in what had been called the frontier had concluded. With the westward expansion of the United States fulfilled, no more major federal initiatives in higher education would occur until a new model of federal policymaking came into being during the Franklin D. Roosevelt administration.

## The Early 1900s

At the dawn of the 20th century, the United States was changing and higher education with it. The frontier had closed and a trend towards urbanization had continued, such that 51 percent of Americans lived in urban areas by 1920.<sup>10</sup> The federal government was not active in creating new programs for higher education in the early 1900s. New states continued to emerge and to take advantage of previously enacted programs like the Morrill Act. However, two important events between 1900 and 1910 were the beginning of standardized testing for college admissions and the release of the Flexner Report on medical education in North America.

What is now known as The College Board was founded in 1900 by a philosophy professor from Columbia University, Nicholas Murray Butler.<sup>11</sup> Its purpose was to make college admissions more uniform. The Board set examinations and issued certificates to individuals applying to colleges. Prior to the establishment of the Board, most students had to take separate exams for each college to which they applied.

In 1910, Abraham Flexner submitted to the Carnegie Foundation a report on the state of medical education in the U.S. and Canada. The publication of the report ultimately had far-reaching effects on the education of physicians in these two countries. Among the main complaints Flexner had was the proliferation of medical schools in the absence of any oversight. In an age when laboratory science and standardization were advancing rapidly, many medical schools operated without laboratory facilities or funding that would enable them to acquire laboratory facilities.<sup>12</sup> Flexner's report covered 150 medical schools. Some operated at a very high degree of competence, but many were essentially small, impoverished trade schools that produced graduates with little or no significant medical training. As he predicted, the report led to the existence of far fewer medical schools in the future and a standardization of medical training.<sup>13</sup>

After America entered The Great War, higher education was one of many domestic issues overshadowed by the conflict. In 1912, Woodrow Wilson became the only U.S. president to date to hold an earned doctorate. Wilson, formerly president of Princeton, was not the first college or university president to be President of the United States — nor would he be the last. However, he was perhaps the most eminent academic, in the modern sense, to hold the office. Wilson had authored several notable scholarly works, including Congressional Government, which was in print for over one hundred years, and The State, which was published in 1890 and remained a standard text for comparative government into the 1920s.<sup>14</sup>

One notable piece of state legislation that partially foreshadowed the GI Bill of 1944, as well as the landless model of funding higher education, was the 1919 Wisconsin Bonus Act. This act provided veterans from the State of Wisconsin with up to \$30 per month, paid directly to the individual, to help meet the cost of further education. The payments could last up to four years.

## Selected Moments in the History of Education: 1920s and 1930s<sup>a</sup>

- —1921 The Bryn Mawr Summer School for women workers, the first of four resident workers' colleges for women, opens after pressure from the National Women's Trade Union League (NWTUL) to get involved in educating working women.
- —1926 Eduard C. Lindeman publishes The Meaning of Adult Education, which proposes that "education can have no endings."
- 1930 The Commission on Relation of School to College initiates the Eight Year Study to determine the long-term relevance of high school curriculum and its impact on success or failure in college admission and success.

The 1919 Wisconsin act is the first example in the United States of a government policy to tie service in time of war to an educational benefit.<sup>15</sup>

## The 1920s

"One civilization after another has been wrecked upon the attempt to secure sufficient leadership from a single group or class. If we would prevent the growth of class distinctions and would constantly refresh our leadership with the ideals of our people, we must draw constantly from the general mass. The full opportunity for every boy and girl to rise through the selective processes of education can alone secure to us this leadership."<sup>16</sup> –Herbert Hoover, President, 1929

## Immigration and Changing Economy

As soldiers returning from WWI began the task of adjusting to life back in the U.S., America itself was undergoing a radical shift in culture and personality, a shift that would test not only old values, but new ideas. The 1920s are often remembered as a time of romanticized frivolity — flagpole sitting, dance marathons, the Ziegfeld Follies, flappers challenging the traditional view of the American woman, and the movement of jazz from New Orleans to the northern metropolises. Although such images do represent the day-to-day experiences of a portion of the United States population, the nation as a whole was struggling to adapt to the changing political, philosophical, and technological landscape. With an unemployment rate of less than 3.5 percent for most of the decade, work was available to most, but working conditions actually took a step back towards the pre-war period. Child labor laws were overturned, and women, who had been a significant portion of the workforce during the war, lost a fight to gain a legislated minimum wage. The decade began with the passage of the 19th Amendment, allowing women the right to vote. However, a subsequently proposed Equal Rights Amendment was rejected and, as the 1920s ended, many states still barred women from political office and jury duty.

By the end of the 1920s, foreign-stock population — that is, people either foreign-born or who had at least one parent who was foreign-born — had doubled since 1890 in the United States.<sup>17</sup> Compulsory primary and secondary education became a tool to help assimilate the new immigrants and to better prepare the nation's youth for an economy that required increasing specialization in its labor force. By 1918, all states had passed compulsory education legislation.<sup>18</sup> The adoption of the tractor by family farmers improved agricultural productivity, but made mechanical expertise essential to its operation. High school enrollment soared, increasing the demand for college-educated teachers.<sup>19</sup> An increased demand for college-educated seachers.<sup>19</sup> An increased demand for college-educated teachers.<sup>19</sup> An increased demand for college-educated seachers and expert-led public administration, but also the belief that technological advances could eradicate social

ills. Higher education enrollment expanded to meet these needs.<sup>20</sup>

## The 1930s

"The democratic doors of equal opportunity have not been opened wide to Negroes. In the Deep South, Negro youth is offered only one-fifteenth of the educational opportunity of the average American child."<sup>21</sup> –Mary McLeod Bethune, Director of the Office of Minority Affairs in the National Youth Administration, 1939

## The Great Depression and the National Youth Administration

"One of the ideas I agreed to present to Franklin was that of setting up a national youth administration... It was one of the occasions on which I was very proud that the right thing was done regardless of political consequences."<sup>22</sup> –Eleanor Roosevelt, First Lady, 1949

In response to the Great Depression, the federal government adopted many programs to stimulate the economy. The National Youth Administration (NYA), created in 1935, would assist 620,000 needy students with part-time jobs that enabled them to enroll in postsecondary institutions.<sup>23</sup> College students received \$15 per month and graduate students earned \$20 per month mostly for clerical and maintenance work. Future President Lyndon B. Johnson was the first NYA director in Texas and served from 1935 to 1937.<sup>24</sup> Richard M. Nixon relied on his 35-cents-per-hour, part-time NYA job while he worked his way through the Duke University Law School, where he graduated third in his class.<sup>25</sup> The NYA also helped playwright Arthur Miller, baseball player Jackie Robinson, and many other notables work their way through college.<sup>26, 27</sup> The NYA's emphasis eventually shifted from general job creation to training for specific defense-related occupations once the country entered WWII, but before then would help sustain higher education during economic crisis.

## The 1940s

"Lack of money should not prevent any veteran of this war from equipping himself for the most useful employment for which his aptitudes and willingness qualify him. The money invested in this training and schooling program will reap rich dividends in higher productivity, more intelligent leadership, and greater human happiness... We have taught our youth how to wage war; we must also teach them how to live useful and happy lives in freedom, justice, and decency."<sup>28</sup> -Franklin D. Roosevelt, President, 1943

## The GI Bill

In November of 1942, President Franklin D. Roosevelt called upon a committee of educators to study the problem of education of service men and women. His objective was to maximize human resources after the war and ease transition into civilian life by helping servicemen resume their studies or by opening up the door to education for those who hadn't yet begun. The committee recommended:

- Financial help so that every veteran with honorable discharge could attend college for up to one year;
- Financial help for a limited number of veterans with special aptitudes to continue their general, technical, or professional education for three more years.<sup>29</sup>

## The Servicemen's Readjustment Act or "GI Bill" of 1944<sup>b</sup>

Eligibility and Entitlement

- 90 days or more of service after September 16, 1940
- Have other than a dishonorable discharge
- Entitled to one year of full-time training plus a period equal to their time in service, up to a maximum of 4 years

#### Educational Benefits

- Education and training
- Up to \$500 per year for tuition, books, fees, and other training costs, paid to the educational institution
- Monthly subsistence allowances for single veterans (\$50 allocated in the first year, \$65 in 1946, and \$75 in 1948)
- Higher allowances for veterans with dependants

#### Results

- 2,230,000 veterans in college
- 3,480,000 in other schools
- 1,400,000 in on-job training
- 690,000 in farm training
- 40% who would not have otherwise attended college received a higher education
- Extra output from that 40% created \$35.6 billion in the economy over the next 35 years

#### Medgar Wiley Evers (1925-1963)

Medgar Evers entered the United States Army in 1942 voluntarily. He returned from the war and enrolled at Alcorn A&M College in Lorman, Mississippi, under the GI Bill. He was part of a generation of African-American veterans that were committed to W.E.B. Dubois's call "to return [home] fighting." His decision to attend college exposed him to experiences that contributed to his development as an activist and eventual leader of the Civil Rights Movement in Mississippi. He went on to be the first African-American to seek admission to the University of Mississippi, where his application was rejected on a technicality. In 1954, he became the state's National Association for the Advancement of Colored People (NAACP) field secretary and became a major contributor in the fight to stop the Jim Crow laws. State-wide membership to the NAACP nearly doubled while he was secretary. His eight-year career in public service ended on June 12, 1963, when he was shot outside his home upon arrival from a meeting to end Jim Crow.<sup>c</sup>

## Selected Moments in the History of Education: 1940s<sup>d</sup>

–1944 The GI Bill of Rights is enacted.

- –1944 Due to World War II's impact, women temporarily outnumber men in higher education.
- —1945 The Harvard report, written out of concerns that colleges had lost control over their course of study and connection with the American high school, calls for an expansion of college curriculum to fit the postwar era.
- —1948 The international community adopts the "Universal Declaration of Human Rights", under the chairmanship of First Lady Eleanor Roosevelt. Education is proclaimed a human right in Article 26.



#### Harry S. Truman (1884 - 1972)

"It is amazing what you can accomplish if you do not care who gets the credit." –President Harry S. Truman<sup>e</sup>

Harry Truman was the 33rd president of the United States. Truman rose up in the political ranks first as a judge and then a Senator. In the Senate, his presence was so influential that the Senate Special Committee to investigate the National Defense Program came to be known as the Truman Committee. Running as Vice-President in 1944, Truman shortly assumed the President's office in 1945 after the sudden death of President Franklin D. Roosevelt. In 1946, Truman developed the President's Commission on Higher Education (also called the Truman Commission) to assess the state of higher education, but the recommendations made by the commission were swept aside because of greater concerns about the state of the country after the war.<sup>f</sup>

The resulting legislation was the Servicemen's Readjustment Act of 1944, or the GI Bill, as it is better known.

The GI Bill marked the true beginning of federal involvement in higher education financing, but it was not met without controversy. Republicans argued the bill would cause sloth in the nation because of the weekly stipend veterans were to receive. The bill, however, fueled the creation of a strong middle-class because generations of blue collar workers were finally able to attend college and become doctors, lawyers, and engineers; as a result, many children of veterans were both direct and indirect beneficiaries of the GI Bill, as they grew up in middle-class families with increased opportunities.<sup>30</sup> Total college enrollment jumped from 1.5 million students in 1939-40 to 2.7 million in 1949-50 — an amazing 78 percent climb in 10 years. Nearly all of this increase came from male enrollment, which rose 107 percent during that same time period.<sup>31</sup>

The GI Bill did not even the playing field for all soldiers. Although not discriminated against in the legislation, African-Americans faced a social climate that limited their higher education opportunities, as institutionalized racism in the South maintained a system of segregated colleges. African-American elementary and secondary schools lacked funds and resources; thus, many African-American students were not prepared for college coursework or competition with students from wealthier homes with greater educational resources. While the GI Bill granted them money to attend college, many could not get accepted. Some African-Americans did overcome these obstacles, however, and overall enrollment for African-Americans expanded greatly. Many African-American students, educated by the GI Bill, would become civil rights activists, most notably Medgar Evers.

### The Truman Commission

"Anything that any of us can do to help improve our educational institutions, and to make them available to all who would make use of them, imposes on us a continuing duty. I never fail to make myself available to this high calling." –Harry S. Truman, Letter to President Lyndon B. Johnson, 1965<sup>32</sup>

The threat of nuclear confrontation, the rise of international relations, and the desire to transform higher education in the United States into a more inclusive institution seemed to demand a redefinition of the role of the federal government in higher education. To study these issues, President Harry S. Truman appointed in 1946 a commission with George Zook, president of the American Council on Education, as its chairman. The commission's report was a bold proposal to expand the role of the federal government to promote national priorities, including the creation of a more equitable and democratic society: "[W]e shall aim at making higher education equally available to all young people, as we now do education in the

elementary and high schools, to the extent that their capacity warrants a further social investment in their training."<sup>33</sup> Issues concerning access and segregation divided the panel, and some members resigned their positions, most notably Eleanor Roosevelt. The report helped expand the community college system making postsecondary education accessible to many students

from families with modest means. The commission also proposed generous student financial aid to students academically qualified to benefit from college:

Arrangements must be made, therefore, to provide additional financial assistance for worthy students who need it if they are to remain in school. Only in this way can we counteract the effect of family incomes so low that even tuition-free schooling is a financial impossibility for their children. Only in this way can we make sure that all who are to participate in democracy are adequately prepared to do so.<sup>34</sup>

At the time of the report in 1947, Congress was not prepared to fund such an expansive federal role in higher education. However, the Truman Commission inspired many future leaders, including Lyndon Johnson who was then a member of the U.S. House of Representatives. Truman later helped realize the goals of his 1947 groundbreaking commission by serving as honorary chair of The Citizens Committee, which was established to garner support for Johnson's Higher Education Act of 1965.

## The 1950s

"If the United States is to maintain its position of leadership and if we are to further enhance the quality of our society, we must see to it that today's people are prepared to contribute the maximum to our future progress and strength and that we achieve the highest possible excellence in our education."<sup>35</sup> –Dwight D. Eisenhower, President, 1958

## The National Defense Education Act

In 1957, the Soviet Union launched a series of remote control satellites known as Sputnik. Americans feared that they were falling behind in the areas of defense and technology. President Dwight D. Eisenhower issued a special message to Congress, on January 27, 1958, asking for help in strengthening the American education system so that it could better compete with the Soviet Union in the areas of technology and science. For the sake of national security, Eisenhower called for the federal government to take emergency action to provide funds to "reduce the waste of talent" and promote education in the math, science, and foreign language fields — competencies that might help the country win the Cold War. The result was the National Defense Education Act of 1958. Title II, in particular, created a student aid program. The program was intended to be a temporary program that would only last four years; however, the program won bipartisan support in Congress and has helped thousands of needy students develop their talents even today.

## Selected Moments in the History of Education: 1950s<sup>9</sup>

- —1950 Sweat v. Painter: An African-American student had been confined to an all-Black facility at the University of Texas Law School. The Supreme Court notes that the White school offered more and ordered the plaintiff be admitted to the White law school, but refuses to rule on the constitutionality of Plessey v. Ferguson.
- -1954 Brown v. Board of Education ends segregation in public schools.
- —1955 Milton Friedman writes "The Role of Government in Education" and introduces the concept of school vouchers.
- —1957 Little Rock Nine: Nine African-American high schoolers come to Rock Central High, an all-White school, sparking the largest state-federal conflict since the Civil War.

#### National Defense Education Act of 1958, Title II<sup>9</sup>

#### The Program

- Geared towards students pursuing degrees in science, math, and modern foreign language.
- Provided low-interest loans for college students, with debt cancellation for those who became teachers.
- Used a need-based formula.

#### The Effect

- Helped reach 25,000 students, 71% of whom had families with incomes of less than \$6,000.
- 9 out of 10 were able to continue their educations.
- Higher education institutions began asking the federal government for monetary help.
- Provided about \$575 million dollars for education.



#### Lyndon B. Johnson (1908 - 1973)

"We have entered an age in which education is not just a luxury permitting some men an advantage over others. It has become a necessity without which a person is defenseless in this complex,

industrialized society. We have truly entered the century of the educated man." –Lyndon B. Johnson, as Vice-President, commencement speech at Tufts University, June 9, 1963<sup>h</sup>

Lyndon B. Johnson was the 36th president of the United States. His political career also included terms in both the U.S. House of Representatives and the U.S. Senate where he was the Majority Leader. Johnson was Vice-President under John F. Kennedy.

LBJ was educated in the Texas public school system and went on to attend Southwest Texas State Teachers College (now Texas State University). He financed his education with the help of a small loan from a local bank and work that included everything from "sweeping the floors to selling real silk socks." As a sophomore in college, he taught at a Mexican-American school in Cotulla, Texas. He would later reference that experience as the moment he realized that the education system was anything but equal. In 1935, he became the head of the Texas National Youth Administration, where he was able to use the government to find educational and job opportunities for young people. The National Youth Administration was a model and precursor to the federal work-study program. It provided aid to high school, college, and graduate students in exchange for part-time work.<sup>j</sup>

## The 1960s

"So I would be inclined to say that the most significant development in higher education in the last five years has been the awakened interest of the Federal Government in the support of higher education directed towards the mission of higher education, rather than directed toward the mission of the federal government."<sup>36</sup> –Peter Muirhead, Associate Commissioner for Higher Education, Department of Health, Education, and Welfare, 1968

### The Great Society

UCLA professor and LBJ biographer Robert Dallek has referred to Lyndon Baines Johnson as "a President with a genuine passion for righting historic wrongs."<sup>37</sup> A product of the Texas public school system, Johnson paid for his college education with loans and work, and taught children in south Texas before entering politics, an experience which opened his eyes to the unequal educational opportunities that existed in the United States. Johnson wanted to transform the nation's domestic life. Borrowing from the title of Walter Lippman's 1937 book, *The Good Society*, Johnson addressed graduates at the University of Michigan in May 1964 with these words:

The challenge of the next half century is whether we have the wisdom to use [our] wealth to enrich and elevate our national life, and to advance the quality of our American civilization . . . For in your time we have the opportunity to move not only toward the rich society and the powerful society, but upward to the Great Society.<sup>38</sup>

So many years have passed since the Great Society, and politics in the country have changed so much, that many Americans forget how idealistic the 1960s were. Most Americans did not question the concept, born in the New Deal under Franklin Roosevelt, that the federal government could and should play an active role in solving the nation's problems. Johnson himself said the New Deal had given him "an abiding faith in the capacity of the government to change things for the better."<sup>39</sup> During his presidency Johnson submitted, and Congress enacted, dozens of major proposals designed to meet the needs of Americans. The following are some of the more important and far-reaching bills of the Johnson era:

- The Civil Rights Act, which had been stalled in Congress, was passed in 1964 after considerable lobbying on the part of the new President, who urged Congress to approve the bill as a tribute to the late President Kennedy. The Civil Rights Act effectively opened public accommodations to African-Americans.
- The Voting Rights Act of 1965 spurred voter registration and participation of racial minorities. Voter registration rates in Mississippi alone rose from a mere 6.7 percent of African-Americans in 1965 to 74.2 percent in 1988.<sup>40</sup>
- The Economic Opportunity Act (EOA), which passed the Senate by a two-to-one margin in 1964, was a key component of Johnson's "War on Poverty." EOA called for the creation of Jobs Corps, work training, and loan incentives for hiring the unemployed.

- The Elementary and Secondary Education Act (ESEA) of 1965, which, like the EOA, passed Congress with virtually no changes, channeled \$1 billion toward K-12 schools that had high concentrations of low-income students. ESEA spurred state governments to become more involved in education and helped pave the way for passage of the Higher Education Act.
- Medicare, which has helped generations of older Americans obtain health care, was passed in 1965 after some hard bargaining in the Senate, and after having already passed with a 110-vote margin in the House. Medicare and other programs are credited with sharp reductions in poverty among the elderly.

Future Supreme Court Justice Thurgood Marshall, who successfully argued the landmark Brown v. Board of Education case before the Supreme Court in 1954, said, "A child born to a Black mother in a state like Mississippi... has exactly the same rights as a White baby born to the wealthiest person in the United States. It's not true, but I challenge anyone to say it is not a goal worth working for."<sup>41</sup> The Great Society seemed to be striving toward such a goal, not just for minorities, but for all Americans born into humble circumstances.

## Selected Moments in the History of Education: 1960s<sup>k</sup>

- -1960 Four African-American college students begin a sit-in at a "Whites only" lunch counter and start a nationwide network of student sit-ins to protest segregation called the Student Non-Violent Coordinating Committee.
- -1961 Theodore Schultz publishes "Investment in Human Capital."
- -1961 McDonald's starts the first corporate university.
- -1962 James Meredith enrolls as the first Black student at the University of Mississippi and riots occur that result in the death of two men.
- -**1965** Johnson signs the Elementary and Secondary Education Act and the Higher Education Act of 1965.
- —1968 During a week of protests at Columbia University, activists take over five administrative buildings in the largest student action of its kind to date.
- **1969** Yale and Princeton accept their first women undergraduates.

# Chapter 2: HEA: From Proposal to Passage

"It was here in these surroundings that... my seeds were planted from which grew my firm conviction that for the individual, education is the path to achievement and fulfillment for the Nation, it is a path to a society that is not only free but civilized; and for the world, it is the path to peace for it is education that places reason over force."

> President Lyndon B. Johnson, November 8, 1965,
>  upon signing the Higher Education Act at his alma mater,
>  Southwest Texas State College (now Texas State University) in San Marcos, Texas

## The Higher Education Act

The Higher Education Act (HEA) is one of the most important pieces of Great Society legislation. The essential components of the federal student aid programs in existence today, which helped 46 percent of undergraduates pay for higher education in 2003-2004,<sup>2</sup> began under Title IV of the HEA. According to historian Robert Dallek, Johnson had an "almost mystical faith"<sup>3</sup> in the capacity of education to transform people's lives. President Roosevelt had viewed social help in terms of putting money into people's pockets, but Johnson believed in enabling people to solve their problems through education.<sup>4</sup> One of his highest Great Society priorities was to broaden educational opportunities for all Americans, and his chief legislative instruments for doing so were the ESEA for elementary and secondary students and the HEA for postsecondary students. Johnson hoped the HEA would help every willing individual receive a postsecondary education that would lead to a higher income for them and their children. In addition to decreasing the poverty of individuals, Johnson also believed additional and higher quality schooling would benefit the country by ensuring a steady supply of educated individuals to provide the human resources needed for economic prosperity.<sup>5</sup>

The HEA's sponsors were Wayne Morse in the Senate and Edith Green in the House. Morse was an Oregonian who entered the Senate as a Republican and, after a brief stint as an Independent, switched to the Democratic Party. Born in Wisconsin, Morse was one of only two senators who opposed the 1964 Gulf of Tonkin Resolution that authorized further involvement of the U.S. in Vietnam.<sup>6</sup> Edith Green, also an Oregonian, was an education leader in the House and is perhaps best known for her sponsorship of the 1972 Title IX legislation which bars discrimination in federally funded education programs on the basis of gender.<sup>7</sup>

Prior to sponsorship of the bill, however, President Johnson created a task force in 1964 to study the role of the federal government in student aid. Johnson used task forces as an attempted short circuit of the normal central-clearance process of legislative agenda formulation in which agencies formulated bills and the executive packaged them for Congress. These task forces were designed to interrupt the normal bureaucratic flow and allow for innovation. Johnson made his task forces small and secretive so as to promote free thinking, having learned from the troubles President Kennedy encountered with larger, more public, task forces. Johnson focused on policy by using task forces that linked the administration to the university and practitioner worlds through an executive secretary from the government, mainly the Bureau of the Budget, and a liaison from the White House, usually one of LBJ's assistants such as Bill Moyers, Douglass Cater, and, later, Joseph Califano.8 Cater attended meetings with university presidents and professors in which the chief question on his mind was whether they would be good members for a task force. Johnson's task forces did everything from creating policy to implementing that policy. Johnson appointed John W. Gardner as chair of the 1964 task force, which led to his appointment as Secretary of Health, Education, and Welfare (HEW) in 1965. Gardner would go on to establish the open government advocacy group Common Cause in 1970.

#### Edith Green (1910 - 1987)



"... it is less a rocket thrust into outer space than a national education thrust of massive proportion which may determine who succeeds in mastering the weighty matters of our age that are characterized by

social, economic, and political deformations." – U.S. Representative Edith Green from Oregon on the federal role in education, 1964°

Edith Green, a U.S. Representative from Oregon, sponsored the House version of the Higher Education Act of 1965. Green graduated from the University of Oregon in 1939 and taught school in Salem, Oregon. While Green supported the anti-poverty programs of the Great Society and federal aid to education, she did not believe in the expansion of the federal bureaucracy. She is best known for drafting Title IX in the Higher Education Amendments of 1972, which prohibited discrimination against women in higher education.<sup>b</sup>



#### Wayne Morse (1900 - 1974)

"The wealth of our nation is in our people not in our materialism." –U.S. Senator Wayne Morse from Oregon<sup>c</sup>

Senator Wayne Morse was the primary sponsor of the Higher Education Act of 1965 in the U.S. Senate. Morse graduated from the University of Wisconsin, earned a law degree from the University of Minnesota, and went on to teach law at the University of Oregon. Morse entered the Senate as a Republican and was later convinced by Johnson to join the Democratic Party after a brief stint as an Independent. In the Senate, he was often referred to as "Mr. Education."<sup>d</sup>

#### John W. Gardner (1912 - 2002)

"We don't even know what skills may be needed in the years ahead. That is why we must train our young people in the fundamental fields of knowledge, and equip them to understand and cope with change."

–John W. Gardner, Secretary of Health, Education and Welfare, "In Excellence," 1961<sup>e</sup>

John W. Gardner served as Secretary of Health, Education, and Welfare from 1965 to 1968. Gardner's work for the Johnson administration began in 1964 when he was president of the Carnegie Corporation of New York and was asked to chair a task force on education for the President. He received bachelor's and master's degrees from Stanford University and a Ph.D. from the University of California, Berkeley.<sup>6</sup>



#### Adam Clayton Powell Jr. (1908 - 1972)

"Learn, baby, learn!...then you can earn, baby, earn!" –U.S. Representative Adam Clayton Powell from New York, 1967<sup>3</sup>

Rev. Adam Clayton Powell was the first African-American to become a powerful figure in the United States Congress. He was elected as a U.S. Representative from Harlem in 1945 and became chair of the Labor and Education Committee in 1961. Educated in the public school system, he went on to earn a Master of Arts degree in religious education from Columbia University. Powell's scheduling concerns slowed the passage of the Higher Education Act, frustrating the Johnson administration.<sup>h</sup> The Gardner task force believed that the ability to pay for higher education should not be the controlling factor for educational attainment. The task force focused on a study which revealed that one out of six students who took the National Merit Scholarship test in high school did not attend college. Of the students who did not attend college and who had families who could contribute only \$300 or less to their education, about 75 percent of the men and 55 percent of the women indicated that they would have attended college if they had had more money available. In Johnson's eyes, the findings reflected a loss of human capital.<sup>9</sup> Taking away cost as a barrier to educational attainment. The Gardner task force made several recommendations, most of which eventually made their way into the HEA. Among these recommendations were:

- · Grants in aid to very able students who are among the most needy,
- · Expansion of work-study programs,
- More extensive use of loans and loan guarantees,
- · Opposition to tax credits for tuition and other educational expenses,
- · Custom-made packages of aid that depended on a student's needs, and,
- A scholarship program.

In the end, the higher education bill that developed from the task force's recommendations, as well as from the proposals of other key players, contained five sections. Title IV, arguably the most ambitious section of the HEA, provides financial assistance for students in higher education through need-based grants, guaranteed student loans, work-study programs, and other campus-based aid. Title IV will be discussed extensively later in this report. The following is an overview of all five Titles of the HEA and the controversies which surrounded them and the HEA itself.

## Titles I through V of the HEA

By the 1960s, there was a general sentiment that college should become a birthright for Americans, much as high school had become a birthright in the 1920s. Ensuring passage of a bill to help Americans pay for college would require defining priorities for the legislation, as well as coming up with a program that would stimulate excellence and even the playing field for the disadvantaged. In other words, it involved both developing policy and finding a way to implement it. But first, Johnson had to overcome various obstacles to the bill.

Prior to the Johnson years, opposition to the idea of increased federal aid to education had centered on "the three R's – race, religion, and Reds."<sup>10</sup> Many Americans feared that federal aid to education would mean enforced integration, support of parochial (mostly Catholic) schools, and government interference in people's lives. But the climate in the country was changing, and some of the bills which had been enacted since Johnson took office ended up helping to defuse opposition to the HEA. The Civil Rights Act, by barring segregation in federally funded programs, had eliminated race as a reason to oppose federal aid to education.

Passage of the Elementary and Secondary Education Act also helped facilitate passage of the HEA. Francis Keppel, Commissioner of Education, had outlined three options for passing the ESEA, two of which had serious drawbacks in terms of their potential to sink the bill. The ESEA could provide aid to public schools, which would alienate Catholics; provide aid to both public and private schools, which would alienate those who objected to aid for religious institutions; or withdraw the idea of general aid and instead emphasize aid to poor children, which would bridge the gap between the two groups. Keppel suggested the third option and Johnson shrewdly took his advice. Thus, the ESEA, and the strategy behind it:

- Signaled a switch in federal education funding from general aid towards categorical aid;
- Tied education funding to national concerns such as poverty and economic growth;
- Addressed the religious conflict by linking federal aid to programs helping the poor in parochial schools rather than to programs helping the schools themselves; and,
- Resulted in a larger involvement of states in educational decision-making because the federal government, in order to avoid charges of federal control, decided to rely on states to administer the funds.<sup>11</sup>

This approach toward passage of an education bill to benefit elementary and secondary education, and in particular, the linking of educational funding to the War on Poverty, helped pave the way for passage of a bill to benefit postsecondary education.

## Title I: Strengthening Community Service Programs

Title I of the HEA authorized the Commissioner of Education to make grants to states for the purpose of strengthening "community service programs of colleges and universities"<sup>12</sup> such as research or continuing education programs, with special emphasis on programs that could assist in solving urban and suburban problems such as poverty, housing, transportation, and youth opportunities. Title I also created a National Advisory Council on Extension and Continuing Education, consisting of the Commissioner, various agency representatives, and 12 members of the public, to oversee the projects and consolidate or eliminate any programs that overlapped or were unnecessary. Some people opposed Title I for fear it might serve Morrill land grant extension in rural areas and small towns, while poorly solving the problems in urban areas,<sup>13</sup> but the opposition was not strong enough to sink the bill.

### Title II: Assistance for Libraries

Title II authorized basic grants for college library books and materials, special grants for colleges with special needs, training grants to increase the supply of college librarians and to develop new techniques, and a small amount for the cataloging service of the Library of Congress. Title II met with little opposition.



#### Joseph Califano Jr. (1931 - )

"I was returning from my first weekend at the LBJ ranch, where the President had asked me to be his special assistant for domestic affairs. As the President said goodbye, he smiled. 'They tell me you're pretty

smart, way up in your class at Harvard. Well, let me tell you something. What you learned on the streets of Brooklyn will be a damn sight more helpful to your president than anything you learned at Harvard."

-Joseph Califano in his memoir "Inside: A Public and Private Life," March 30, 2004

Joseph Califano obtained his bachelor of arts degree at the College of the Holy Cross in Massachusetts in 1952 and his law degree from Harvard in 1955. As President Johnson's senior domestic policy aide, Califano helped gather support for the Higher Education Act. He then served as President Carter's Secretary of Health, Education, and Welfare from 1977 to 1979, where his department began the collection of defaulted student loans.<sup>1</sup>

#### Francis Keppel (1916 - 1990)

"Education is too important to be left solely to educators." –Francis Keppel, U.S. Commissioner of Education during the Kennedy and Johnson administrations<sup>\*</sup>

Francis Keppel served as U.S. Commissioner of Education from 1962 to 1965. Prior to this, Keppel, a Harvard graduate himself, had been Dean of Harvard's Graduate School of Education where he introduced television into educational instruction and created the master of arts in teaching program. After his years as Commissioner, Keppel went on to found the Lincoln Center Institute in 1974 and to direct the education policy program at the Aspen Institute. He chaired the National Task Force on Student Aid. The "Keppel Task Force" led to many changes to the Higher Education Act. Keppel was also fundamental in the passage of the Elementary and Secondary Education Act of 1965. Keppel's father was dean of Columbia University in 1923 and president of the Carnegie Corporation which made significant contributions to education policy, including the groundbreaking Gunnar Myrdal study of racial inequality.<sup>m</sup>

#### Edward "Ted" Kennedy (1932 - )

"The work goes on, the cause endures, the hope still lives and the dream shall never die." -Senator Edward Kennedy from Massachusetts at the Democratic National Convention, 1980"

Senator Kennedy has been one of the leading proponents in the Senate for education initiatives. Kennedy obtained his bachelor's degree from Harvard University in 1956 and his law degree from the University of Virginia in 1959. Kennedy has served as a Democrat for Massachusetts in the U.S. Senate since 1962, and is now the second-most senior member of the Senate.° Senator Kennedy has taken strong stances on issues such as immigration and healthcare, but he has been especially vocal about improving schools and making college more affordable.° Kennedy serves as the senior Democrat on the Health, Education, Labor, and Pensions Committee.°

### Title III: Developing Institutions

Title III distributed aid to "developing institutions," mainly African-American institutions in the south. Two-year colleges and technical institutions were also eligible for aid. Title III also established a faculty and student exchange program between developing institutions and more established colleges in order to promote learning among educators. Commissioner Keppel and Representative Green both supported Title III. Green had proposed something similar for the National Defense Education Act of 1958, but it had not passed, largely due to fears that an exchange program would integrate the races. The fact that essentially the same proposal was incorporated into the HEA just seven years later shows what a difference the Civil Rights Act had made, and how much American society had evolved. In fact, whereas the 1958 proposal was shot down for fear it would promote the opposite, in that the proposal would assist African-American colleges without actually integrating them.

## Title IV: Student Assistance Act

Title IV, examined in depth in subsequent pages, authorized federal aid to students for higher education and was both the most far-reaching as well as the most controversial of the HEA measures. Prior to the HEA, federal aid for students in higher education had been targeted to specific students (e.g., veterans, through the GI Bill) or specific areas of study (e.g., math and science, through the National Defense Education Act). Title IV represented the first generally available aid program for postsecondary students. The two most important elements of Title IV were federal "scholarships" or grants, and federally insured loans with subsidies on interest for eligible full-time students. At the time the HEA was enacted, grants were primarily intended for low-income students, while loans were targeted towards the middle-class. As will be seen in the following chapter on reauthorizations of the HEA, loans are no longer primarily for the middle-class, but have, in fact, become the largest component of federal aid for all students regardless of their income background. Title IV also transferred the work-study program from the Office of Economic Opportunity to the Office of Education, and extended the National Defense Student Loans (NDSL) enacted in the NDEA.

In addition to the obstacles to passage of the HEA itself, there were specific barriers to passage of Title IV. Republicans opposed scholarships and favored tuition tax credits instead. The Treasury Department, however, opposed tuition tax credits, while the United Student Aid Funds (USAF) and the American Bankers Association (ABA) challenged the guarantee provision of the student loan program. Title IV and the opposition to it will be explored further below.

## Title V: Teacher Corps

Title V established Teacher Corps and a number of programs to improve teacher education, mainly through fellowships for graduate study. Title V was pushed by Massachusetts Senator Edward Kennedy and Senator Gaylord Nelson of Wisconsin (who would go on to found Earth Day in 1970). These two senators succeeded in placing Title V in the HEA after it had failed to be included in ESEA, to which it was later moved. Congressman Ogden Reed felt the HEA would not pass with Teacher Corps in it. Johnson had fought hard for student loans, but would not get involved in Teacher Corps until he knew his congressional majorities were unstoppable. It was then that the administration enlisted the help of various legislators to gain support for the Teacher Corps. Title V was expanded in 1967 and given the name Education Professions Development Act, which added special grants for people teaching or preparing to teach elementary and high school and for recruitment of teachers in shortage areas.

### Title VI: Undergraduate Instruction

The original purpose of Title VI was to provide grants to higher education institutions for the improvement of undergraduate instruction via technological upgrades. Part A authorized the allocation of money to postsecondary schools for the purchase of audiovisual equipment, non-textbook print materials, laboratory apparatus, and instructional televisions. In addition, it provided grants for minor remodeling projects, such as those necessary for installing new equipment. Part B focused on faculty development and established awards to university instructors and librarians for the purpose of attending institutes or workshops providing training on the use of educational media.

However, the goals of Title VI have changed extensively over the last few decades. One outcome of the Education Amendments of 1972 was the incorporation of the National Defense Education Act of 1958 into the HEA.<sup>14</sup> In addition to science and mathematics, the NDEA had established foreign studies as critical to national security and, therefore, provided supported for foreign language and area studies. Title VI currently continues these initiatives via several programs. For example, Part A allocates awards to national research centers, language resource centers, and undergraduate and graduate students for the purpose of international research, foreign language instruction, and foreign travel. The objective of Part B is to provide opportunities for improving skills necessary to compete in an increasingly international economy. Finally, Part C awards grants to higher education institutions for the creation of international public policy centers. One specifically stated intent of these grants is to train African-American and other minority students for foreign service employment.<sup>15</sup> In recent years, Title VI has become the focus of many national security debates, as some policymakers have grown to appreciate the value of understanding other cultures, while others have expressed concerns about the political associations of those that might operate the centers.

## **Title VII: Higher Education Facilities**

As originally created, Title VII amended the Higher Education Facilities Act of 1963 and provided funding for the construction of educational facilities, under urgent circumstances related to baby boomer enrollment growth. In its current incarnation, however, Title VII is entitled "Graduate and Postsecondary Improvement Programs" and its provisions have considerably expanded in scope. Part A of the Title allocates funds for the Jacob K. Javits Fellowship Program, as well as the Thurgood Marshall Legal Educational Opportunity Program. Additionally, it provides grants to higher education institutions for the purpose of offering financial assistance to graduate students. The Javits Fellowship is a highly competitive award for students working towards a terminal graduate degree (i.e., Ph.D. or Master of Fine Arts) in the humanities,

#### Economic Opportunity Grant of 1965

- Provided grants to higher institutions for first-year, full-time students.
- Authorized money for students to finish their education, with a maximum time period of four years.
- Eligibility was contingent upon student getting other aid.
- Bonus for those who placed in the upper part of their class the previous year.
- Allotted money to states based on the ratio:
  <u># of college students in state</u>
  # of college students nationally

arts, or social sciences. The purpose of the Thurgood Marshall Program is to aid disadvantaged, low-income, or minority students in preparing for and completing law school.

Under Part B of Title VII, postsecondary institutions can receive grants for improving educational opportunities in a variety of ways, including faculty recruitment and the development of new teaching techniques. Part C serves as one response to increasing problems in urban areas and allocates funds to schools in order to address community issues such as poverty, economic development, housing, and health care. Finally, Part D was amended to the HEA in 1998 and is intended to guarantee a quality education for students with disabilities by providing grants for improving teaching methods, providing professional training to faculty and administrators, and developing research related to disabilities and educational services.

## Title IV of the HEA

## Part A-Educational Opportunity Grants and the TRIO Program

Many Americans in the 21st century fear that higher education is being priced out of reach. Americans 40 years ago had similar worries. For many families, both then and now, sending children to college is analogous to taking out a second mortgage. The means available for financing education, and the government's position on aid prior to passage of the HEA, were not well suited for low-income individuals who often did not have the resources to do as well as their wealthier peers in school. Students from low-income families, where debt meant hardship, had little encouragement to accumulate debt for college tuition or the new textbooks that had to be purchased, even if they were able to secure a loan at the local bank in the first place. Harold Howe II, who would become Commissioner of Education after Francis Keppel, noted that the National Defense Education Act implied that the government's role was to "educate gifted pupils and the upper portion of the college population."<sup>16</sup> Johnson wanted to change that attitude toward education. "The important role of the federal government," he said, "is somehow to do something for the people who are down and out, and that's where its major energy in education ought to go."<sup>17</sup> Through its Educational Opportunity Grants and high school motivation programs now known as "TRIO," Part A of Title IV sought to give these "down and out" students a helping hand in pursuing a college education.

## Educational Opportunity Grants and the Tuition Tax Credit Debate

"This 'Educational Opportunity Grant' program is an integral part of the whole effort to help the disadvantaged get into the mainstream of American life. It puts the responsibility squarely on our colleges and universities to seek out those capable or potentially capable of handling college work, and work out with them a way of making college financially possible. It is not a luxury program or a gift program or anything of the sort, but an educational opportunity program." –Homer D. Babbidge, Jr., President of the University of Connecticut, testimony before the House Special Subcommittee on Education, 1965<sup>18</sup>

The primary grant program of the HEA was the Educational Opportunity Grant. This program was later renamed the Supplemental Educational Opportunity Grant program, or SEOG, and is still in effect today. In proposing the measure, the House wanted to amend the National Defense Education Act to permit institutions of higher education to use up to 25 percent of their annual federal contribution to the revolving loan fund in order to fund initial-year Educational Opportunity Grants. The Senate, on the other hand, wanted to create an independent program, feeling that the NDEA's eligibility restrictions — such as the "gifted" provision and the restriction to studies in math and science — would not sufficiently increase access to higher education. Gradually a consensus developed that the program was not intended to be only for the most gifted students, but rather for students who showed academic potential, but were unable to pay.

The biggest controversy about the program, however, was whether it should consist of tuition tax credits, favored by Republicans, or grants, favored by Democrats. With tax credits, students and families pay the cost of education up front and then the following year they can deduct a portion of what they have spent from their taxes, assuming their income is high enough for them to owe taxes. With grants, students and families receive aid at the time the cost is incurred in order to assist them to pay the cost at that time. Congressional Republicans favored tax credits, but Gardner's task force opposed them. The Department of Treasury also opposed tax credits because they were regressive—middle- and upper-income people who owed taxes benefited the most and lower-income people who owed little or nothing rarely benefited—and enormously expensive to the government in terms of lost revenue.

Eventually, the Democrats got the grant program they wanted and, as a compromise, the Republicans settled for guaranteed student loans, which were proposed by Johnson. Unlike the Pell Grant, which was created in 1972 and which is now the largest grant program in the country, these Educational Opportunity Grants were not to go directly to the student, but to the institution. In keeping with the precedent established by ESEA, the federal government would appropriate funds to the states. These funds would be allocated based on the ratio of full-time postsecondary students in each state to the total number in the country. The states would then allocate funds to the institution, which, in turn, would allocate them to the student based on need. Johnson wanted a ceiling on parental income, a specified level above which a student would not be considered eligible for the grant, but he did not succeed in getting that put into the bill, nor was a formula for determining need developed. Instead, it was left up to the institution to determine the student's need, which meant that two students with the same financial resources and the same cost of attendance might receive very different grant amounts. This inequity would be addressed in future reauthorizations of the HEA.

More than three decades later, tax credits were added to the HEA in the form of the Hope and Lifetime Learning credits. As it turned out, the Treasury Department's fears of lost revenue were well-founded: educational tax credits cost the Treasury \$3.8 billion in 1998-1999 and \$6.3 billion in 2003-2004.<sup>19</sup> However, educational tax credits are popular with the voting public. The controversy over what is the best method of providing federal assistance to needy citizens—grants or tax credits—is to a large extent still with us today and has carried over to other policy areas, most recently into discussion of the type of assistance to provide to the victims of Hurricane Katrina, which lashed the Gulf Coast in August 2005. **TRIO Success Stories**<sup>53</sup> Politics Henry Bonilla, United States House of Representatives, 23rd District of Texas Science Franklin Chang-Diaz, first Hispanic astronaut Literature Bertice Berry, author and award-winning lecturer Media John Quinones, ABC correspondent, "Prime Time Live" Television Oprah Winfrey, talk show host, entrepreneur Movies Angela Bassett, actress Sports AC Green, NBA player

Music

Jimmy Jam and Terry Lewis, music producers

#### TRIO

"An intensive talent recovery program in their last four years in high school could provide the key to a college education for thousands of [students]-and the opportunity to permanently break out of the cycle of poverty." –Richard Boone, Director of Planning and Development, Community Action Program, Office of Economic Opportunity, 1965<sup>20</sup>

The second half of Part A authorized the Commissioner of Education to contract with public, non-profit, state and local educational agencies to provide programs to encourage disadvantaged youth to go to college. The program began with Upward Bound, which was created in 1964 as part of the Economic Opportunity Act. In 1965, Talent Search, the second outreach program, was created and placed in the HEA. A third program, Student Support Services, was added in 1968, hence the phrase "TRIO." TRIO programs assist low-income students, students whose parents did not go to college, and other disadvantaged youth, to prepare for and attend college. TRIO services include tutoring, mentoring, information on postsecondary educational opportunities, and assistance in completing entrance forms and financial aid forms. Although other programs have been added since the 1960s, the term TRIO is still used.<sup>21</sup>

### Part B-Guaranteed Student Loans

One of the most important parts of the HEA was the Guaranteed Student Loan program, the precursor to the Federal Family Education Loan Program (FFELP), which today is the largest source of student financial aid in the country. The Johnson administration proposed the GSL program with the idea that loans come from private lenders as a way to replace the federal cost of the National Defense Student Loans of the NDEA, which were direct federal loans. Johnson himself had benefited from loans while a student and believed in them as a way to pay for college. He also knew the grant program for lower-income students would be more likely to survive if there was a comparable program for the middle-class. However, Johnson also recognized that not all banks would be willing to participate in the program without some guarantee that they could recoup their losses in case students, most of whom had no credit history or collateral, defaulted on the loans. Thus, although the loans themselves would come from the private sector, Johnson proposed that the federal government act as guarantor. Again, the House wanted to amend the NDEA to allow part of the money appropriated under it to be used for the loan program, while the Senate wanted an independent program. Passage of the GSL was politically charged, as the Department of Treasury, the banking community (without which the program was useless), and existing student loan agents, particularly the United Student Aid Funds, all had a stake in the process.<sup>22</sup>

The American Bankers Association (ABA) originally opposed the loan guarantee provision, which stated that the federal government would provide a federally insured loan program for students who did not have reasonable access to a state or private non-profit program. ABA members felt that:

- non-federal guarantee programs already in existence were capable of handling the demands for loans and did not need federal help;
- whatever shortcomings existed in the non-federal programs could not be remedied by the federal government;

- the federal government could not replicate the working relationships that locally-owned financial institutions had with state and private non-profit guarantee programs;
- the federal government would end up taking over the industry because there would be little incentive for the state and private non-profit agencies to establish their own programs; and,
- the interest rate was so low that the program would not be profitable.

The United Student Aid Funds (USAF), which had been guaranteeing loans for college students since 1960, also opposed the program. Like the ABA, USAF felt threatened by the government's potential involvement in its industry. USAF was worried that a federal insurance program might become a competitor instead of a booster, and that schools that were already participating in USAF would be compelled to withdraw and join the federal program.

The Johnson administration had to do some clever negotiating to win over opponents and implement the guaranteed student loan program. The ABA, USAF, and the National Conference of Executives of Higher Education Loan Plans, which represented a majority of state loan insurance programs in operation, supported the rest of the HEA, but not guaranteed loans. A meeting was set up with bankers, Allan Marshall of USAF, and key members of Johnson's staff, such as Douglass Cater and Peter Muirhead. Cater stated that a crucial step in getting banking representatives and representatives from USAF to agree to the legislation was to insure that they understood their role in the program was significant. LBJ paid special attention to the GSL program as well, meeting personally with bankers to try to persuade them to support the concept of student loans. Peter Muirhead, of the Office of Education, recalled that LBJ used his story-telling ability to try to get the bankers to see how profitable the loans could be. LBJ started by assuring the bankers the loans would pay them back handsomely over time because they were investing in young people who would become their best customers in the future. He then recounted his own story of how he was able to afford college by describing to a banker his plans for school, and then stating his financial needs. The banker loaned him \$200 and Johnson remembered he was so grateful for it that during his whole life, including his time in Washington, he kept an account at that bank.

"You know," Johnson reflected, "Mrs. Johnson has some business interests of her own, and they [the business interests] come to me every once in a while and they ask me where would be a good place to put \$100,000 for a while. I don't have any difficulty telling them where to put it; you put it in that bank." When completing the story LBJ wagged his finger at the bankers and said, "Gentlemen, I want you to know that was the best damned loan that banker ever made."<sup>23</sup>

But more than the promise of a future customer would be needed to secure the support of banks. After much deliberation, an agreement was worked out in which the federal government would act as guarantor on the loans when there was no other guarantor available, essentially what Johnson had proposed. This guarantee provision was vital to the passage of the program, as the decreased risk to bankers virtually counteracted the fact that the interest rate to borrowers was lower than what the bankers could get

#### Douglass Cater (1923-1995)

"Some of the die-hard Republicans, I'm sure, still felt that the federal government ought to stay clear of education altogether. After the mandate of 1964, that kind of direct opposition sort of quieted down.

Instead the nature of opposition tended to be, 'Well, we're for it, but we're for it in a different way.''' –Douglass Cater, White House education advisor, on dealing with the opposition in the field of education, April 29, 1969°

Douglass Cater was born in Montgomery, Alabama and educated in the public school system. He received both bachelor's and master's degrees at Harvard. Cater served as a Washington editor for the "Reporter" magazine from 1950-1963 and as national affairs editor from 1963-1964. He also taught several college classes during this time. During his stint on the "Reporter," Douglass covered the failure of higher education bills, and used this knowledge later when he became special assistant to President Johnson, a position he held from 1964 to 1968. Douglass was instrumental in marshalling support among the key players involved in education legislation."

## Title IV, Part B of the Higher Education Act of 1965 – Guaranteed Student Loans<sup>w</sup>

- Designed to provide loans for middle-income students and families with more than one child in college who do not have access to money for a college education.
- In exchange for lenders agreeing to give loans to borrowers with no credit history, no collateral, and no guarantee of success, the federal government agreed to protect the lenders against loss by guaranteeing the loans in case of default, death, disability, or bankruptcy.
- Encouraged states and private, non-profit institutions and organizations to establish insured loan programs for eligible students
- Interest subsidy for students with family income under \$15,000, taking family size into account when determining adjusted family income.
- Annual loan limit for undergraduate students was \$1,000; loan limit for graduate students was \$1,500.
- Aggregate loan limits were \$7,500.

#### Work-Study Program of 1965<sup>x</sup>

- Transferred the work-study program to the Office of Education.
- Removed the requirement that students be from low-income families.
- Permitted colleges to provide their matching share through services and equipment, including tuition and books.
- Administered by the college.
- Provided matching funds from the government.
- Limited hours worked to an average of 15 hours per week when classes were in session, 40 hours per week during summers and vacations.
- Allowed for on-campus work to range from running the soda fountain in the student union to acting as faculty aides or lab assistants.
- Allowed for summer work to include activities like youth programs and tutoring.
- Provided the student with about \$450 per year, on average.

elsewhere. And because the federal guarantee was to be a standby provision only, USAF felt less threatened. Approval of the GSL was solidified on October 5 when Charls E. Walker, on behalf of the ABA, issued a press release indicating the group's support for the GSL and its commitment and willingness to participate in the program. His statement reflected the same sentiments that were in LBJ's personal story:

"Helping deserving young people to get a good education cannot but work to the benefit of your community. This alone would be sufficient reason for calling student loans good business, for whatever helps your community and region also helps your bank. But, in addition, do not underestimate the importance of a deserving young man or woman going through their first genuine credit experience with a commercial bank. Relationships can be established which can continue for many, many years. And that's good business. Student loans are good business for the whole industry, too."<sup>24</sup>

The Guaranteed Student Loan Program, now FFELP, went on to be the source of the majority of loans available for student financial aid today, as well as the largest source of student aid overall. Johnson succeeded in getting a parental income ceiling put into the loan provision, below which a student would be eligible for having his or her loan interest subsidized by the government while in school, and above which the student would not be eligible for subsidization. The ceiling was designed to take into account family size and the number of children in college. The formula-based method for determining need, which is in place today, would come about later.

### Part C-Federal Work Study Program

President Johnson strongly supported work projects for youth, in part because of his own involvement in the 1930s with the National Youth Administration (NYA), a New Deal project which provided education and jobs to youth ages 16 to 25. Participants worked part-time for wages of \$10 to \$20 per month, often working on highways, parks, schools, and public buildings which are still being used today. As director of NYA in Texas, Johnson had assisted disadvantaged youth who needed jobs, and strongly believed in work as a method for financing education.<sup>25</sup>

Part C of Title IV of the HEA, the federal work-study program, was originally part of the War on Poverty programs run by the Office of Economic Opportunity. Because work-study was already in operation, and required that students work in order to participate, work-study was the least contentious of the Title IV programs. Commissioner of Education Keppel had already spoken in favor of incorporating the work-study program into education at a 1964 hearing on amending the National Defense Education Act. Keppel reasoned that students had earned about \$100 million from 1961 to 1964 by working and that the money should go towards their education. A White House memo also showed that 45,000 low-income students were able to continue their education through work-study grants to 678 college and universities, and research from the task force of 1964 indicated that employed students were more likely to succeed in school.<sup>26</sup>

Keppel, the 1964 task force, the administration, and the Economic Opportunity Office all had views on how to alter the work-study program to better fit education. Under the existing program, jobs were not regulated and students might choose to work in, say, food preparation. Keppel wanted work-study jobs to be related to academics or community service, but his suggestion was not included in the HEA. As for eligibility, the Johnson administration wanted to continue to restrict the program to low-income students, but the Gardner task force suggested that work-study be expanded to students from middle-class families, a suggestion that was adopted. Finally, despite the anticipated transfer of the program to the Department of Health, Education, and Welfare, the Office of Economic Opportunity stated that it expected to maintain some oversight. However, oversight was fully transferred to HEW in 1968.

## Part D-National Defense Student Loan Program (now Perkins)

The National Defense Student Loan (NDSL) Program, originally part of the National Defense Education Act of 1958, was the third of the three programs already in existence which was moved into the HEA, the other two being Upward Bound and work-study, which were originally part of the Office of Economic Opportunity. While Johnson wanted to phase out the NDEA's direct loan program in favor of the HEA's federally subsidized and guaranteed private loans, with most of the cost being off-budget, Congress wanted to include the program in the HEA alongside the new guaranteed student loan program, with a change to the NDSL to include full loan forgiveness for students after they had taught in an underserved area for seven years. In 1986, the NDSL was renamed the Perkins Loan after Kentuckian Carl Perkins, who represented an impoverished area of Appalachia from 1949 to 1984 and who was one of the driving forces behind such successful programs as Head Start and the school lunch program.<sup>27</sup> The Perkins loan, which under the NDEA was targeted towards the gifted, is now reserved for the neediest of students. The Perkins loan is still in existence today.

#### Carl Perkins Loan Program<sup>y</sup>

- Provides low-interest loans to financially needy undergraduate, graduate, and professional students.
- Referred to as "campus-based" campuses actually have control of the revolving fund.
- Maximum amount allowed to be borrowed is based on academic grade level.
- Funding comes from three sources:
  - federal appropriations for new loans,
  - matching funds from institutions, and
  - repayments from previous borrowers.
- Deferments are offered for certain types of health care, volunteer, or community service.

# Chapter 3: Reauthorizations of the Higher Education Act Title IV

"It seems that the federal interest should be an ever-changing one in terms of its categorical support. And as that categorical mission is accomplished should move off and let the particular needs of that time dictate what the categorical support should be."<sup>1</sup>

> –Peter Muirhead, Associate Commissioner for Higher Education, Department of Health, Education, and Welfare, 1968

The Higher Education Act (HEA) of 1965 established the federal government as an important player in higher education policy and recognized the goal of removing college price barriers as a federal priority. Since then, changes in the authorizing legislation and in societal expectations have only deepened and expanded the federal role in higher education. But while the debate over whether the federal government should have a significant role in higher education might have been settled, the struggles over how to serve the goal of removing price barriers to a college education have continued through successive reauthorizations of the HEA. Public pressure, changes in administration, mounting budget deficits, and a myriad of legislative players with competing priorities have all left their imprints as the HEA has incrementally evolved. While much of the legislative activity has involved tinkering with eligibility requirements, needs analysis, and aid limits, even many of the seemingly small changes have had profound impacts on the costs of the aid programs and who the aid recipients are.

This chapter will describe the major statutory and programmatic changes that have occurred in the HEA through the four decades since its enactment. Where appropriate, it will further depict how changes in the program rules have affected the amounts and levels of aid provided. This chapter will also address some underlying themes that have endured throughout the legislative history of the HEA:

- the tension between providing aid to middle-income borrowers and targeting aid programs to the needy;
- the provision of an increasingly large proportion of federal student aid through the loan programs, instead of through the grant programs;
- the continuing proliferation of federal aid programs;
- the huge expansion in program costs; and,
- the deepening direct involvement of the federal government in assistance to postsecondary students.

## Reauthorization of 1968

"So to thousands of young people education will be available. And it is a truism that education is no longer a luxury. Education in this day and age is a necessity."<sup>2</sup> –Lyndon Baines Johnson, President, 1965

The first reauthorization of the Higher Education Act occurred in 1968. It can be viewed as the act that solidified and expanded the student aid programs. The TRIO program under Part A was established, and the administration took steps to increase private lending in the Guaranteed Student Loan program. The Johnson administration also continued to try to amend funding authorizations for student aid so that every student from a predetermined level of income would receive support for higher education up to a certain established amount. Harold Howe, U.S. Commissioner of Education, stressed that it would be important to provide major funding in order to send the higher education community a message.<sup>3</sup> More importantly, the administration sought a more definite answer to what the government's role in aiding higher education should be.

#### Peter P. Muirhead (1911 - )

"...in the emphasis of the Federal interest in higher education directed toward two rather significant goals, one of opening up higher education opportunities for disadvantaged young people, people coming from families who can't afford the cost of higher education, and the other is a rather halting advance towards supporting colleges and universities in the carrying on of their own mission." –Peter Muirhead, Associate Commissioner for Higher Education, Department of Health, Education, and Welfare, July 23, 1968<sup>a</sup>

Peter P. Muirhead worked for what is now the Department of Education from 1958 until 1975, holding various positions including Deputy Assistant Secretary and Commissioner of Education. He was born in Scotland on November 27, 1911, and received a bachelor's degree from State Teachers College in 1934, and a master's degree from the University of Rochester in 1941. As Associate Commissioner of Higher Education in 1965, Muirhead was a key player in the negotiations surrounding the creation of the Guaranteed Student Loan program, often setting up meetings with President Johnson and the banking community.<sup>b</sup>

#### Harold Howe II (1918 - 2002)

"It's hard and involves continual reformulation, it's about planting a tree and letting it go without pulling it every six months to see how it's coming along" – Harold Howe, U.S. Commissioner of Education during the Johnson Administration, on implementing education policy, July 12, 1968<sup>c</sup>

Harold Howe was born in Hartford, Connecticut. Activism in the field of education ran in his family. His father was a professor at Dartmouth College and president of the Hampton Institute in Virginia. His grandfather was a Union general who founded the Hampton School as a trade school for freed slaves. Howe became U.S. Commissioner of Education in 1966 and helped spread the message of the importance of equality in education. In 1968 he helped draft the President's Education Message, which said that the strategy for education should be to eliminate race and income as the main factor in determining who pursues a higher education. He was a firm believer that students were not "unsuccessful," but rather the schools "were unsuccessful with them."d

### Upward Bound and the Establishment of TRIO

The creation of the Talent Search program as part of the Higher Education Act of 1965 was followed by an effort to transfer Upward Bound from the Office of Economic Opportunity (OEO) to the Department of Education. The Second Annual Report of the Office of Economic Opportunity, entitled "The Quiet Revolution," evaluated the Upward Bound pilot program. The evaluation found that 200,000 diverse high school students were participating in one of 18 pilot programs developed by the OEO. The programs allowed the students to live on a college campus and attend predetermined academic, recreational, and cultural activities. The goal was to provide an idea of what college was like to students who might not otherwise have the opportunity to pursue a higher education. The report boasted that the pilot program had exceeded the expectations of policymakers.

Different groups reacted to the success of the program in markedly different ways. Congress wanted to transfer Upward Bound to the Department of Education and place the authorizing legislation within the Higher Education Act. Heated debates ensued in Congress as Harold Howe, a spokesperson for the Department of Education, testified against the transfer. The Senate was not as eager as the House for immediate action and thought the transfer could wait until 1971. Others, such as Representative Edith Green of Oregon, testified that the program should be considered for elimination.

Neither of the two agencies that would be involved in a transfer was particularly thrilled about the prospect. In his testimony, Howe argued that while many people viewed Upward Bound and Talent Search as alike, they were actually quite different and should be run separately. Officials in the Department of Education also felt that Upward Bound was accustomed to too much freedom under the OEO and that the Department of Education was not ready to incorporate such a program into its existing management structure. The Office of Economic Opportunity, on the other hand, was not ready to see its most successful program go. Others in the OEO opposed the transfer because they felt the program would become too restricted as a result.

Edith Green's testimony included the accusation that the program funded revolutionaries: "In my considered judgment... we are actually financing with federal tax dollars the activities of revolutionaries and I do not say these words on the floor of the House without having considered them very carefully."<sup>4</sup> She charged the program with three indictments: illegal activity, training revolutionaries, and rewarding drop-outs. Part of the revolutionary charge was that the program had produced inflammatory letters, speeches, articles, publications, instruments for constructing a bomb, a Molotov cocktail, and posters and pamphlets opposing the Vietnam War. Green also leveled accusations that the program had instructed students on how to set a fire and sabotage an automobile. The rest of the House was convinced that the only program that actually participated in such activity was the program established at Reed College. Despite Green's accusations, Upward Bound was transferred to the Department of Education on July 1, 1969, and eventually became part of the TRIO program.

### Changes in Guaranteed Student Loans

The amendments of 1968 also sought to increase the participation of lenders and guarantee agencies in the GSL program. The amendments raised the interest rate to the student, authorized advances for guarantee agencies, and established a minimum monthly repayment amount for the borrower. Furthermore, the legislation charged guarantee agencies with the authority to grant deferments.

The administration's goal was to move towards increased private lending, while continuing to appeal to students. Some people, like Senator Morse, were concerned that the administration was trying to transition to a system of private credit too quickly. Morse worried that the National Defense Education Act of 1958 could be made obsolete by a successful, federally guaranteed loan program that relied on private loan funds. He was reassured by the Office of the President that:

In future years colleges and universities should be encouraged-and will find it to their advantage-to rely more on private credit. But federal funds will be available if private credit were not. The use of private credit is the most practical route for a number of reasons, not the least of which is that it is the best way to insure that all qualified students receive needed financial aid.<sup>5</sup>

The Johnson administration's goal of placing most of the burden for loans in the private sector set a path from which the George H.W. Bush and Clinton administrations would eventually depart. Today, the federal government provides many loans directly to students, bypassing the intermediary role of lenders and guarantee agencies.

# Reauthorization of 1972

"The strength of the United States is not the gold at Fort Knox or the weapons of mass destruction that we have, but the sum total of the education and the character of our people." –Senator Claiborne Pell from Rhode Island<sup>6</sup>

After the 1968 Reauthorization solidified the TRIO programs and provided financial advances for state guarantee agencies, the Higher Education Amendments of 1972 continued to improve and expand the student aid programs. The heart of the 1972 legislation, signed into law by President Richard M. Nixon on June 23, 1972, was the creation of the Basic Educational Opportunity Grant (BEOG), which became known as the Pell Grant in 1980. The amendments also established the State Student Incentive Grant (SSIG), which gave states grants to pay up to 50 percent of the cost of a state-run program of student grants. Though the amendments made minor adjustments to the Guaranteed Student Loan (GSL) program, their primary focus was to correct problems in the Educational Opportunity Grant (EOG) and to make grant programs the core of federal financial support for needy students. The overall effect was to greatly expand grant-based assistance in an effort to diminish the necessity of poor students to borrow from the GSL program. On the whole, the 1972 legislation took a giant step toward reducing the financial barriers to college that had existed for poor students.



### Claiborne Pell (1918 - )

Senator Pell received a bachelor of arts in history from Princeton University in 1940 and a master of arts from Columbia University in 1946. He was first elected to the Senate in 1961 and served Rhode

Island as a Democrat until 1997, making him Rhode Island's longest-serving Senator.<sup>4</sup> Pell's family history includes many generations of Senators and Representatives, including George M. Dallas, who also served as Vice-President of the United States from 1845 to 1849. Senator Pell is largely responsible for the creation of Basic Education Opportunity Grants in 1972, which were renamed Pell Grants in his honor in 1980. Pell's support was also responsible for the creation of the federal endowments in the arts and humanities.<sup>9</sup> The creation of the BEOG was intended in part to correct deficiencies in its predecessor, the EOG. The legislation for the EOG required each institution to define the rules for determining who was needy, and it distributed funds based upon the number of students enrolled in a state as opposed to the financial standing of prospective students. The result was that students who possessed the same financial resources and who faced the same costs of attendance could receive Educational Opportunity Grants of very different sizes, depending upon the institution they were attending.<sup>7</sup> On top of these program deficiencies, a 1969 report by Assistance Secretary of HEW Alice Rivlin found that income level was still the primary determinant of whether a student would enroll in college.<sup>®</sup> The BEOG helped remedy these problems by making two major changes. First, the BEOG was fashioned as direct assistance to the student and did not depend upon the college to act as an intermediary. Second, the legislation provided for a federal (centralized) assessment of need that would ensure that students in the same circumstances would receive the same amount of grant aid. Together, these improvements ensured a measure of fairness and dependability that did not exist in the EOG.

Legislators, and Senator Claiborne Pell of Rhode Island in particular, intended to do much more than improve upon the EOG, however. They wanted to increase the overall level of grant-based assistance to lower-income students. As such, the BEOG was an entirely new grant program and did not replace the EOG. Rather, the Educational Opportunity Grant was renamed the Supplemental Educational Opportunity Grant (SEOG) and became a supplement to the BEOG. With the additional creation of the SSIG, the 1972 Reauthorization provided two new sources of grant aid and, in the short term, shifted the balance of federal aid in favor of grants, as opposed to loans. However, this was a legislative feat that would not be replicated in future reauthorizations of the HEA.

While the BEOG was an important step toward removing the financial barriers that had prevented needy students from attending college, it nevertheless perpetuated, in the eyes of some student aid proponents, a couple of shortcomings that had existed in the EOG. First, the BEOG was not an entitlement; it was subject to the appropriations process. Thus, it was possible that in some years the authorized levels of aid would not be fully funded and that grant awards would be reduced accordingly. In practice, this possibility would be realized on many occasions, thereby compromising the intent of the statute. The second shortcoming was also carried over from the EOG: maximum grant amounts were limited to half the cost of attendance. As a consequence, needy students attending low-cost institutions of higher education might not be able to obtain the maximum award of \$1,400 and might be forced to borrow from the GSL program to cover the shortfall.

Legislators made several changes to the federal loan programs as well, but the net effect of the 1972 Reauthorization was to de-emphasize the loan programs in favor of grants. The 1972 amendments increased the annual loan limit to \$2,500 and the aggregate borrowing limit to \$10,000. (The legislation also created Sallie Mae as a secondary market in the GSL program.) Though similar increases to the borrowing limits in future reauthorizations would greatly expand the volume of aid provided through the federal student loan programs, the adjustments in 1972 did not have this effect. Instead, the amendments increased the availability of grants and, as a consequence, mitigated the need for lower-income students to borrow.

The 1972 Reauthorization expressed some of the same themes that have been touched upon by reauthorizations since then, though not always in the same way. Although later amending legislation would tend to increase the size and availability of the GSL, the 1972 amendments shifted the emphasis toward grants and away from loans during the early- and mid-1970s. And unlike later legislation, some of which would expand the federal student aid programs to middle-income students, the 1972 Reauthorization made it clearer than ever that the grant programs were intended for needy students. In other ways, though, this Reauthorization was typical of later ones. The addition of two new grant programs, without the retirement of any existing aid programs, presaged the proliferation of programs that would occur in future decades (Supplemental Loans for Students, Parent Loans for Undergraduate Students, consolidation loans, unsubsidized Stafford loans and the Direct Loan Program). Furthermore, the 1972 Reauthorization intentionally increased the cost of the student aid programs — a trend that would continue unabated to the present. Most importantly, the 1972 amendments, and the creation of the BEOG in particular, represented a profound deepening of the commitment of the federal government to remove financial impediments to attending college — a commitment that continues to this day.

## Reauthorization of 1976

Unlike its predecessor, the Reauthorization of 1976 did not make big changes in the structure of the federal student aid programs, due in part to the success of the 1972 Reauthorization. Legislators simply did not see a need to fix something that was already working well.<sup>9</sup> So instead, the 1976 Reauthorization made minor changes in needs requirements, the BEOG maximum, and GSL borrowing limits. But the minor changes would have very large impacts in terms of program costs and the number of students served.

The main changes embodied in this Reauthorization, at least in terms of subsequent increases in program costs, concerned the student aid programs. An adjustment to the eligibility rules for the BEOG (Pell Grant) provided access to the program for many more students than before, many of them less needy than recipients in prior years.<sup>10</sup> The legislation furthermore raised the maximum grant from \$1,400 to \$1,800. In the federally guaranteed loan program, legislators increased the aggregate borrowing limits, raised the annual limit for graduate and professional students to \$5,000, and increased the family income ceiling for obtaining a GSL without demonstration of financial need.<sup>11</sup>

While the changes seemed modest on the surface, they had impressive impacts on program costs. In the GSL program, annual loan awards expanded from \$1.3 billion in 1976 to \$2.4 billion just two years later, an increase of around 85 percent. Likewise, BEOG dollars increased 60 percent over the same two-year period. The number of BEOG recipients also rose from 1.2 million in 1975 to 1.9 million in 1978, due mainly to the liberalization of BEOG eligibility rules.<sup>12</sup>

The 1976 amendments were not as momentous as either the HEA of 1965

or the 1972 Reauthorization, but they planted the seeds of trends that would continue to the present day. The definition of who was need-eligible for the flagship grant program was relaxed — a precursor to a much more dramatic opening up of the federal student aid programs later. The costs associated with both grant and loan programs began accelerating markedly, a trend that would soon receive an even bigger boost. And the growth in the loan program began to outpace the growth in grants, dampening the emphasis that policymakers put on the grant programs in the previous Reauthorization. Upcoming legislative changes would only serve to intensify these trends.

# The Middle Income Student Assistance Act of 1978

"The fact is this was not like an education program where 70% of the American people benefited. This was really designed to help those who couldn't very well help themselves, who had no political clout, and as a result, it and the nature of its programs caused a lot of problems."<sup>13</sup> –James Gaither, staff assistant to LBJ, on why the HEA was so controversial, 1980

Despite the growth in student aid prompted by the 1976 Reauthorization, there remained a public perception that middle-income students were being squeezed out of the federal aid programs.<sup>14</sup> Even though the HEA of 1965 specified that students could only receive interest subsidies if they had family incomes under \$15,000, President Johnson had nevertheless intended the HEA to provide financial support to middle-income students. In 1965, the median family income was \$6,957,<sup>15</sup> leaving plenty of room under the \$15,000 income ceiling for middle-income students to obtain subsidized loans. However, by 1975 the median family income had risen to almost \$14,000. And although Congress would increase the GSL income ceiling to \$25,000 the following year, by the late 1970s, median family income students were putting them out of the reach of interest-subsidized loans, or at least middle-income families felt that way. With this in mind, legislators would soon remedy the situation in a dramatic fashion.

Lawmakers enacted the Middle Income Student Assistance Act (MISAA) in 1978 after much political maneuvering. Many policymakers sought to implement tuition tax credits as a means of assisting middle-income borrowers and as a means of simultaneously disentangling them from the traditional federal student aid programs. Supporters of the existing grant and loan programs, President Jimmy Carter chief among them, sought to bolster those programs, even if it meant extending them to middle-income students.<sup>17</sup> In the end, the effort to create tuition tax credits stalled, much as it had during the debates surrounding the original 1965 HEA. And like the HEA of 1965, the resulting compromise was to extend the loan program to students who did not have low incomes. MISAA removed the \$25,000 income test for the GSL, making virtually all students eligible for subsidized guaranteed student loans.

Extending the loan program to middle- and even upper-income students, together with the fact that the GSL interest rate of 7 percent was far below the interest rates on other loans, practically guaranteed a rapid expansion in borrowing. The number of guaranteed student loans soared from one million in 1978 to 3.1 million in 1982.<sup>18</sup> Naturally, program costs also began to rise rapidly. Within an economic environment of escalating federal budget pressures, accelerating inflation and high interest rates, this increase in

student aid program costs would cause Congress to rapidly reinstate an income ceiling on access to subsidized loans.

MISAA was as significant for middle- and upper-income students as the 1972 Reauthorization had been for low-income students. It made stakeholders out of a vast swath of the American people, a swath to which politicians pay close attention. This fact has probably lent much stability to the aid programs in the intervening years. But it has also ensured that over the following two decades the aid programs would grow rapidly, the federal involvement in higher education would expand, and the cost of federal student assistance would climb precipitously. The looming recession of the early 1980s would barely slow this surge. In fact, after an initial attempt at retrenchment, the 1980s would result in the creation of new loan programs that would further tip the balance of federal student aid toward dependence on loans for paying for college.

Significantly, Senator Claiborne Pell had been the sponsor of both the 1972 amendments, which strengthened federal support for low-income students, and MISAA, which expanded support for middle-income students. Although the two sets of amendments served two apparently different constituencies, they are not entirely inconsistent with each other. In principal, both bodies of legislation deepened the federal involvement in assisting postsecondary students, and together the amendments probably reinforced the base of support for the federal aid programs as a whole. In practice, however, dollars delivered through loan programs for middle-income borrowers cannot be used in grant programs that serve low-income students. During times of mounting pressures to find cuts in the federal budget, this tension between the two goals and the two constituencies only intensifies.

# Reauthorization of 1980 and the Omnibus Budget Reconciliation of 1981

"We've brought college within reach of every student in the nation who's qualified for higher education. The idea that lack of money should be no barrier to a college education is no longer a dream-it is a reality."<sup>19</sup> –Jimmy Carter, President, 1980

Only two years after opening the GSL program to all students, Congress found itself looking for ways to rein in the growth of the federal budget. With student aid program costs rising quickly within a climate of inflation, recession, and looming budget deficits, unbridled demand for student loans appeared to be a luxury that the U.S. government could no longer afford. As a consequence, Congress took the Reauthorization of 1980 as an opportunity to dampen the growth of the student loan program and lessen the attractiveness of GSLs by raising the interest rate from seven percent to nine percent. Despite this move, and absent any needs test for loans, expansion in the loan program would continue for the immediate future.

The expansion of student borrowing also raised a concern that the burden of paying for college was being shifted from parents to their children. In reaction, legislators used the Reauthorization of 1980 to create the Parent Loans for Undergraduate Students (PLUS) program. Under the PLUS program, parents could borrow on behalf of their children, presumably to secure extra needed funds or to relieve the child from having to borrow. At a minimum, the result was a new program offering that furthered the expansionist trend

# Selected Moments in the History of Education: 1970s<sup>h</sup>

- -1971 The Military Selective Service Act is amended to end the policy of student deferment for the draft.
- —1972 Reauthorization of the Higher Education Act to include Title IX, which prohibits discrimination based on gender, marital, and parental status; Pell Grant established.
- -1978 Regents of the University of California v. Bakke: The Supreme Court determines that the 14th Amendment protects individual rights and that a separate admissions policy based on race violates the Equal Protection Clause. The Court rules that race can be used as a factor in admissions, just not the sole factor.
- 1979 The U.S. Department of Education is created.



### Robert Byrd (1917 - )

"Across this country, we need to instill a passion for education in our students. We must cultivate a bumper crop of excellent students if we are to keep pace in this rapidly changing global environment."

- Senator Robert Byrd from West Virginia

Byrd has served as a Democrat for West Virginia in the Senate from 1959 to the present,<sup>i</sup> sitting on the Appropriations Committee since his first Senate term. If Byrd finishes his current term, he will hold the record for longest-serving Senator. Byrd graduated from the American University Law School in 1963 and later obtained a bachelor's degree in 1994 from Marshall University.<sup>k</sup> His struggles to gain his college education helped him appreciate the importance of education. In 1985, Byrd created the first national, merit-based scholarship program, which was later renamed for him. The Robert C. Byrd Honors Scholarship Program was established to recognize outstanding high school seniors and help them obtain a postsecondary education. Byrd has been on the frontline of many education initiatives, including teacher training, reducing class sizes, and

bringing new technology into the classroom.<sup>1</sup>

### Carl D. Perkins (1912 - 1984)

"Education is the means for improving the quality of life for individuals and for our nation." –U.S. Representative Carl D. Perkins from Kentucky"

Perkins graduated from Jefferson School of Law in Louisville, Kentucky, in 1935 and practiced law until he was elected as a Democrat to the House of Representatives in 1948," representing an impoverished Appalachian district." He served from that time until his death from a heart attack in 1984. Perkins served as chairman on the Committee on Education and Labor, and developed landmark legislation to provide financial aid to needy students. He was the driving force behind many successful programs in education, such as Head Start, the school lunch program, and adult education. For his commitment to education, the Federal Perkins Loan Program was named in his honor. of the federal student aid programs and secured yet another group as a potential constituency served by the programs.

Notably, the 1980 Reauthorization renamed the BEOG as the Pell Grant in tribute to Senator Claiborne Pell, the sponsor of the 1972 amendments that created the flagship grant program.

The Omnibus Budget Reconciliation of 1981 revisited both the issue of slowing the growth of the GSL program and the task of how to provide unsubsidized loans, such as PLUS loans. In the former case, President Reagan and Republican lawmakers successfully reinstated an income ceiling of \$30,000 for receiving interest subsidy benefits on GSLs, reverting to the type of rules in effect before MISAA. Families with incomes above \$30,000 would have to pass a needs test to receive subsidies. In contrast to the usually expansionist trend of legislation related to the loan programs, this amendment represents one of the few acts of retrenchment. Lawmakers' second major change to the aid programs was to extend the terms of the PLUS

program, renamed Auxiliary Loans to Assist Students (ALAS), to independent students, as well as to graduate and professional students. This new offering continued the tradition of making federal loan programs available to increasingly diverse constituencies.

## Reauthorization of 1986

"The cost of education is primarily the responsibility of the family. The Federal Government has a role to play in helping needy students get a chance to receive a college education."<sup>20</sup> –Ronald Reagan, President, 1983

Despite the legislative deadlock that gripped negotiations leading up to the 1986 Reauthorization, the resulting amendments made several important changes to the student aid programs, primarily to the guaranteed loan programs. Most importantly, the Higher Education Amendments of 1986 instituted a needs test for determining the eligibility of all borrowers. They also limited student borrowing to the amount of the student's need. In strictly limiting the access of middle-income students to the loan programs, these changes represented a dramatic reversal of the provisions of MISAA. Clearly, the starkly different political and budgetary environments surrounding the two student aid acts yielded profoundly different legislative results.

Compromise not only produced amendments that restricted access to loan programs and limited program costs, but also created changes in statute that allowed some students to borrow more than ever. The Reauthorization of 1986 enabled greater student borrowing by increasing annual loan limits for students at all academic levels and raising the aggregate borrowing caps. These changes ensured that the loan programs would continue to grow, thereby increasing the cost of aid and further swinging the balance of federal aid toward borrowing.<sup>21</sup>

Some other notable changes arose from the 1986 amendments. The legislation created a new consolidation loan program, and it split the ALAS program into separate unsubsidized loan programs for parents (PLUS) and students (SLS). These moves highlighted the tendency of federal aid policy to create or define new loan programs to meet the needs of different

constituencies and to fulfill particular purposes. (In the same spirit, a loan rehabilitation program was created in 1989.) Finally, the 1986 Reauthorization renamed the NDSL program as the Perkins loan program after Carl D. Perkins, a U.S. representative from Kentucky who helped initiate Head Start and the school lunch program.

# Reauthorization of 1992 and the Omnibus Budget Reconciliation of 1993

"This act that I'm signing today gives a hand up to lower income students who need help the most. But it also reaches out into the middle-income families, the ones who skipped a vacation and drove the old clunker so that their kids could go to college."<sup>22</sup> –George H. W. Bush, President, 1992

A myriad of problems served as the backdrop for negotiations over the reauthorization of the Higher Education Act in the early 1990s. Grants had failed to keep pace with the growth in college costs, and their purchasing power had seriously eroded. Students had become increasingly dependent upon loans to make ends meet. The budget pressures that had prompted policymakers to rein in the aid programs during the 1980s were still exerting influence. Student loan defaults were reaching dangerous levels. And some middle- and upper-income students had lost access to federal loan programs during the preceding decade.

Solving all of these problems simultaneously would be difficult, if not impossible, in the political climate of the time. Presidential and congressional elections loomed, and politicians endeavored to be seen as supporters of higher education reform. However, many politicians — President George H. W. Bush included — also had a competing interest to cut federal spending. As a consequence, budget considerations cast a deep shadow over the negotiations of the higher education law. In this climate, some important initiatives - such as a Pell entitlement and a full-scale direct lending program - simply had to be abandoned.

Although the final law included significant increases to the Pell authorization maximums, the legislation ultimately benefited middle- and upper-income borrowers by creating an unsubsidized Stafford loan program with the same rules as the subsidized program minus the in-school interest subsidies. (The Guaranteed Student Loan Program had been renamed the Stafford Loan Program in 1988 after Robert Stafford, who had chaired the Senate Subcommittee on Education, Arts, and Humanities.) Now, dependent middleincome students who did not satisfy the need requirements of the subsidized Stafford program once again had access to a federally guaranteed student loan program. In addition, independent students had access to more funds than before under the rules of the Stafford loan program, thereby partially relieving their dependence upon the SLS program. In fact, the unsubsidized Stafford program would ultimately replace the SLS program, which was discontinued in July 1994. The expanded loan program access, together with increases in the annual and aggregate borrowing limits in the Stafford and SLS programs, guaranteed that, for many years, rapid growth in federal student aid levels would continue, as would students' growing dependence on borrowing to pay for college.

The other watershed development contained within the 1992



### Robert Theodore Stafford (1913 - )

An issue of great concern ... during the reauthorization was the default rate within the GSL Program. Many changes were enacted to address the problem of defaults and to

ensure the fact that student borrowers are properly informed about their responsibilities for repayment. – Senator Robert T. Stafford from Vermont, 1987°

Robert T. Stafford graduated from Boston University Law School in 1938<sup>a</sup> and then worked as county prosecuting attorney for five years. After serving in the Navy for nearly a decade, Stafford was elected to the sole seat in the House of Representatives for Vermont from 1961 until he resigned in 1971 to take over a vacant spot in the Senate.' Stafford then served in the Senate until his retirement in 1989.<sup>s</sup> While in the Senate, Stafford chaired the Senate Subcommittee on Education, Arts, and the Humanities from 1981 to 1987. One year later, in 1988, the Guaranteed Student Loan Program was named in his honor for, as President Reagan noted, his "major influence on federal education policy."

### William D. Ford (1927 - 2004)

"Bill Ford was a great leader for the education of our children. Thanks to his long leadership in the Congress, millions of families and children have much better lives."

– Bill Clinton speaking about Representative Ford, 2004<sup>u</sup>

Ford served as a Democrat for Michigan in the House of Representatives from 1965 to 1995 and became an outspoken leader for educational opportunities and worker rights.

While in Congress, he was chairman of the Post Office and Civil Service Committee and the Education and Labor Committee." Ford was well known for his efforts to increase educational opportunities for those who could not afford them. In 1978, Ford sponsored the Middle Income Student Assistance Act which expanded student loan eligibility. In 1993, he sponsored legislation to create the direct loan program, a program that now bears his name. Ford graduated from the University of Denver, the first in his family to attend a four-year college, and practiced law in Michigan for over a decade before his election to the House of Representatives." Reauthorization was the creation of a direct lending pilot program, which would allow selected schools to deliver U.S. Treasury loan funds directly to the borrower, without the involvement of guarantee agencies and private lenders. Though many politicians, Democrats in particular, had hoped for a full-scale direct loan program, President Bush's vehement opposition and veto threat forced a compromise allowing a maximum of 300 institutions to test direct lending. This compromise created the interesting prospect of two federal programs competing with each other to assist postsecondary institutions and students. That competition would continue to this day.

With the emphasis still centered upon improving and proliferating access to loan programs, primarily through unsubsidized borrowing, the balance between loan aid and grant assistance promised to continue to shift toward loans. This shift would be made all the more dramatic by the failure of the education appropriating committee to fund Pell Grants anywhere near their authorized limits. Facing rising college costs and an anemic Pell Grant program, some feared that low-income students would be forced to increasingly rely upon borrowing as a means of paying for college.

The battle over a direct lending program resurfaced after President Bill Clinton took office in 1993. Clinton wanted to abandon the direct lending demonstration program in favor of a full and immediate phase-in of direct lending. Democrats in the House of Representatives had pursued direct lending during the previous administration, but President Bush had been adamant in his opposition. Now, it seemed, both the President and Congress were in agreement, and the House readily passed the necessary legislation. Democrats in the Senate, however, were less convinced of the wisdom of a full phase-in of direct lending. Leading Democrats, like Senators Claiborne Pell, the Chair of the Education Subcommittee, and Edward Kennedy, chair of the Full Education Committee, favored a slower phase-in that would test the feasibility of direct lending and allow a competition between the new program and the guaranteed student loan system.<sup>23</sup> In the end, the Senate version prevailed, and a more limited phase-in was approved as part of the Budget Reconciliation Act of 1993.

As it would turn out, direct lending, which came to be called the William D. Ford Direct Loan Program, would not be phased-in according to the planned schedule. The budget act called for direct lending to furnish 5 percent of the total loan volume in Award Year 1994-95, 40 percent in 1995-96, 50 percent in 1996-97 and 60 percent in both 1997-98 and 1998-99.<sup>24</sup> In contrast to the legislative intent, direct lending's share of the student loan market was 3.8 percent in Fiscal Year 1994, 19.5 percent in 1995 and 32.2 percent in 1996.<sup>25</sup> In fact, direct lending's market share peaked in 1997 at 33.8 percent, after which its share slipped to 31.6 percent by Fiscal Year 2000. A competition between direct lending and the guaranteed loan system had taken place, and lenders and guarantee agencies had responded to the threat of direct lending by increasing their service levels and improving their product offerings.

### The Taxpayer Relief Act of 1997

Over three decades, proponents of education tax credits had occasionally pushed for assisting students through the tax code. Each time, these efforts

were defeated, usually with the concession that the middle- and upperincome students who would benefit from tax credits could instead benefit from greater access to federal student loans. Most often, tax credit supporters were Republican. But on June 4, 1996, during a speech at Princeton University, Democratic President Bill Clinton proposed an education tax credit that would allow first- and second-year students to subtract a portion of their educational costs from their tax bills. Almost no one outside the administration liked the proposal. Congressional Republicans, who sought to provide capital gains tax cuts, thought that the proposal, which also included a \$10,000 education tax deduction, was simply too costly. College leaders, who Clinton hoped would be natural supporters of the tax credit, saw the proposal as a windfall to middle- and upper-income students who would likely attend college without it. In contrast, low-income students, some of whom do not pay taxes, would benefit little from an education tax credit, they said.<sup>26</sup>

Nevertheless, after intense negotiations and considerable arm-twisting, Clinton signed the Taxpayer Relief Act of 1997 on August 5, 1997. The Act included the Hope Scholarship, which provided a tax credit for 100 percent of the first \$1,000 of tuition and fees and 50 percent of the second \$1,000. The legislation also provided for the Lifetime Learning Tax Credit, which made tax benefits available after the second year of college. In a concession to Republicans, the law additionally included tax deductibility for interest paid on student loans during the first 60 months of repayment. In another concession, the \$10,000 education tax deduction that President Clinton had wanted was dropped from the final compromise. Even with the deletion of the tax deduction, the Taxpayer Relief Act represents one of the largest single offers of federal aid to higher education. The total price of the package was estimated at \$40 billion over five years.

Once again, the federal government had greatly increased its commitment to higher education, but not in the spirit of the original Higher Education Act. The HEA of 1965 had sought to equalize educational opportunities by offering assistance to low-income students. In contrast, the Taxpayer Relief Act was likely to benefit primarily middle- and upper-income families, doing little for needy students.

# Reauthorization of 1998

The increasing adherence to fiscal discipline that had governed budget negotiations during the Clinton administration ensured that no groundbreaking new initiatives in higher education policy would be proffered by either Republicans or Democrats in the lead-up to the 1998 Reauthorization of the Higher Education Act. In contrast to most prior amending legislation, the amendments that President Clinton signed into law on October 7, 1998, offered no new guaranteed loan programs, no major changes in eligibility for the loan programs, and no increase in loan limits. Furthermore, the legislation produced no major adjustment to the relationship between the guaranteed student loan program and the direct lending program. Rather, for the most part, the amendments made hundreds of relatively minor changes to the aid programs that were already in place. Though the 1998 Reauthorization did,

in fact, greatly increase the maximum Pell Grant, future appropriations would

# HEA amendments that reflect our changing times

- 1968 Rioting Clause: Disqualified students from participating in the federal student aid programs if they had ever participated in a riot.\*
- 1983 Selective Service Registration: Males 18-26 were required to register for the selective service in order to receive federal student aid.<sup>y</sup>
- 1992 Crime Reporting Requirements: Required colleges, beginning in August 1992, to report the number of forcible and nonforcible sex offenses instead of rapes, using the definitions outlined in the Federal Bureau of Investigation's National Incident-Based Reporting System.<sup>z</sup>
- 1998 Drug Conviction: Students who had ever been convicted of using or selling drugs would be prohibited from receiving federal financial aid.<sup>aa</sup>

# Selected Moments in the History of Education: 1980s and 90s $^{\mbox{\tiny bb}}$

- —1983 U.S. News & World Report publishes its first ranking of higher education institutions.
- —1996 Hopwood v. Texas strikes down dual admission process at a public Texas law school and ends affirmative action.
- —1999 The Gates Foundation pledges one billion dollars to help low-income minority students attend college.

fall far short of the authorized limits, as they had for most of the prior decade (see Appendix). Nevertheless, the many adjustments made by the 1998

legislation had broad bipartisan support in Congress, as attested to by the 414 to 4 vote in the House and the 96 to 1 vote in the Senate.

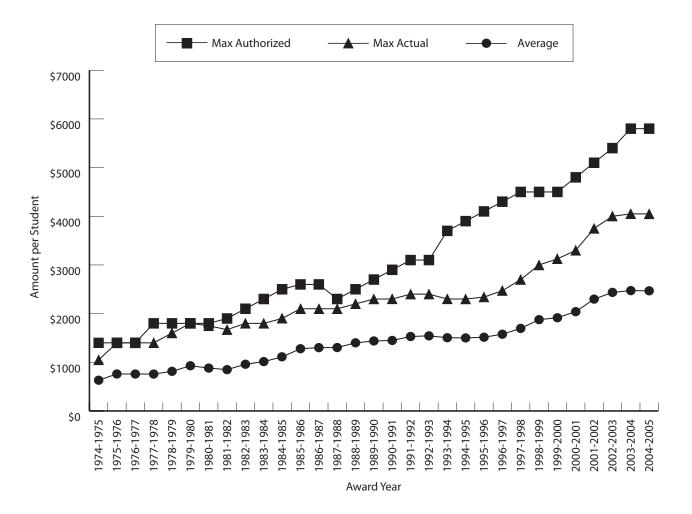
Some of the more important changes in the 1998 reauthorization had to do with interest rates. The amendments reduced the interest rates on Stafford loans by 0.6 percentage points and made the interest rate on consolidation loans equal to the weighted average of the rates of the loans being consolidated, which were mostly Stafford loans. Because the interest rate on consolidation loans was a fixed rate, the new provision basically allowed borrowers, in times of low Stafford interest rates, to lock in the low rates for up to 30 years. The lowering of interest rates in the Stafford programs and the offering of fixed consolidation rates would increase the appeal of the loan programs to students and would greatly increase the interest costs to the federal government. While generally the 1998 Reauthorization sought to correct perceived problems in the detail of aid program rules, the legislation nevertheless managed to offer new, lucrative benefits to students that required an ever increasing financial commitment on the part of the federal government.

# The Next Reauthorization

Although the 1998 Reauthorization only extended HEA authority through September 30, 2003, by which time the next reauthorization would have to have taken place, as of October 2005, authorizing bills have yet to come to full votes in the U.S House and Senate chambers. Preoccupation with the after-effects of September 11, 2001, national security concerns, and wars in Afghanistan and Iraq have put higher education bills, along with other legislation, on the back burner. Despite progress legislators have made on the bills during 2005, the need to address the recent devastation to the Gulf Coast caused by Hurricanes Katrina and Rita has taken precedence over immediate action on the education bills. In late September, the House extended authority for the HEA for an additional three months. While there is hope that the House and Senate can still approve bills by the end of the calendar year, the reauthorizing legislation might not come out of conference committee in time to be signed by the President before the year runs out.

The factors that have delayed reauthorization will also help determine its shape. The costs of national security and two wars since September 11, in conjunction with massive tax cuts, have driven the federal budget deficit to record highs of \$378 billion, \$412 billion and \$319 billion in Fiscal Years 2003, 2004,<sup>27</sup> and 2005,<sup>28</sup> respectively. Estimates for hurricane relief and rebuilding of the Gulf Coast have ranged to \$200 billion or more. Even before the hurricanes hit, a Congressional budget resolution had called for \$13 billion in cuts to education.<sup>29</sup> To approach this target, legislators in both the House and the Senate are seeking to get most of the higher education budget savings from reductions to the interest subsidies that the government pays to lenders in the student loan programs. However, despite the crushing budget pressures, the Senate version of the reauthorizing bill uses some of the savings from cutting subsidies to lenders to pay for a new

# Appendix

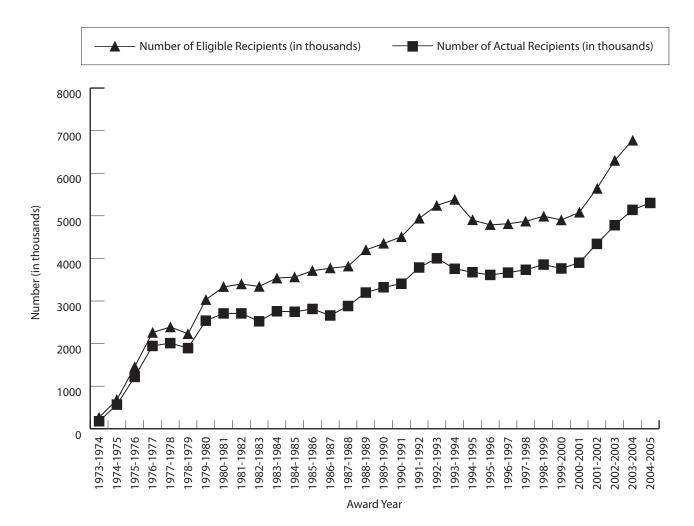


Appendix I: Maximum Authorized Pell Grant, Maximum Actual Pell Grant, and Average Pell Grant per Student, in Current Dollars (Award Years 1974-1975 to 2004-2005)

Because appropriations for the Pell grant fund are discretionary and not entitlement based, the maximum award amount authorized to a student is not always the maximum award actually given to a student.<sup>1</sup> In fact, the last time that a maximum award met full appropriation level was in 1976, four years after the program was created. The maximum authorized amount has increased significantly since the 1986 Reauthorization, widening the gap between the maximum authorized and the maximum awarded. The average Pell award received is currently less than half of the maximum authorized award.

<sup>&</sup>lt;sup>1</sup>Michael Mumper, <u>Removing College Price Barriers: What Government Has Done and Why It Doesn't Work</u> (Albany, NY: SUNY Press, 1996), 83.

# Appendix II: Number of Eligible Pell Grant Recipients and Number of Actual Pell Grant Recipients, in Thousands (Award Years 1973-1974 to 2003-2004)



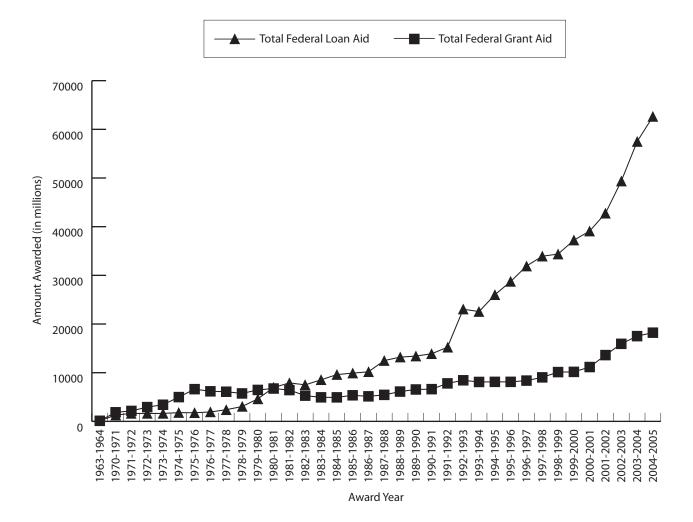
The Pell grant was created in 1972 as a way to give students a predictable, guaranteed foundation of federal support. The theory was that any student who qualified for aid automatically received up to the maximum authorized Pell grant award.<sup>2</sup> However, over time and various reauthorizations, the program has expanded such that it cannot give aid to all eligible students. In recent years, more and more students have become interested in attending college, but stagnant family incomes have resulted in increased eligibility for grants.<sup>3</sup> After rising fairly steadily in the 1990s, the real median household income of American families has decreased every year in the new century, declining to just under \$44,400 in 2004.<sup>4</sup> If the intent of the Pell Grant is to be fully realized, the gap between eligible recipients and actual recipients must narrow.

<sup>&</sup>lt;sup>2</sup>Michael Mumper, <u>Removing College Price Barriers: What Government Has Done and Why It Doesn't Work</u> (Albany, NY: SUNY Press, 1996), 82.

<sup>&</sup>lt;sup>3</sup>The College Board, <u>Trends in Student Aid 2004</u>; available from <u>http://www.collegeboard.com/ prod\_downloads/press/cost04/TrendsinStudentAid2004.pdf</u>; Internet; accessed 27 October 2005.

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# Appendix III: Total Federal Grant Aid and Total Federal Loan Aid Awarded for Postsecondary Education, in Millions of Current Dollars (Award Years 1963-1964 to 2004-2005)

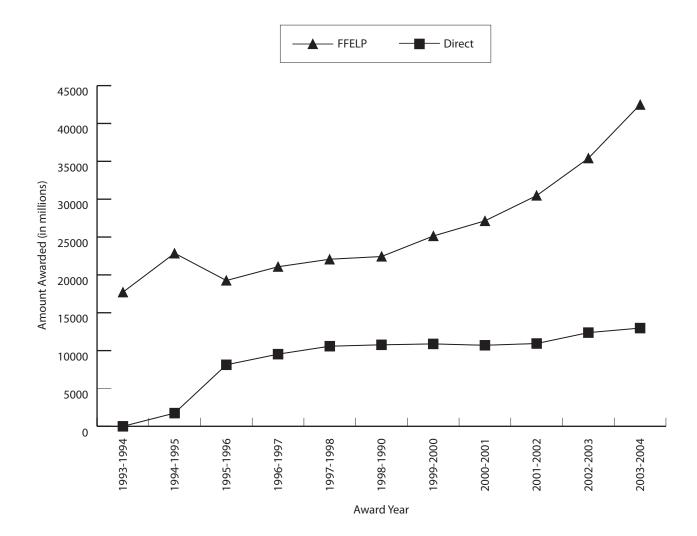


The growth in student loans was not foreseen by Congress in the early stages of the program. Congress had anticipated that the grant program would diminish the need for student borrowing, and did not expect the loan program to grow beyond its 1972 size, and it didn't at first. The Middle Income Student Assistance Act of 1978 and interest rates in the late 1970s and early 1980s created the right climate for an explosion in student lending, and pretty soon loans had far surpassed grants in postsecondary education financing.<sup>5</sup> Reauthorizations further aided the growth in borrowing by adding new programs (such as PLUS loans, consolidation loans, and the unsubsidized Stafford program), broadening program eligibility (such as the creation of the unsubsidized Stafford program), and increasing loan limits. As a result, the federal loan program initiated in the 1960s has become the source for 70 percent of student aid given out by the federal government.<sup>6</sup>

<sup>&</sup>lt;sup>5</sup>Michael Mumper, <u>Removing College Price Barriers: What Government Has Done and Why It Doesn't Work</u> (Albany, NY: SUNY Press, 1996), 84.

<sup>&</sup>lt;sup>e</sup>The College Board, <u>Trends in Student Aid 2004</u>; available from <u>http://www.collegeboard.com/ prod\_downloads/press/cost04/TrendsinStudentAid2004.pdf</u>; Internet; accessed 27 October 2005.

Appendix IV: Total Federal Family Education Loan Program (FFELP) Aid and Total Direct Loan Program Aid, in Millions of Current Dollars (Award Years 1993-1994 to 2003-2004)



In 1965, the creators of the original Guaranteed Student Loan program focused on a program using private lenders. The biggest advocate of the program, Lyndon B. Johnson, felt that private lenders would allow the program to help more students, while maintaining most of the cost off-budget. In 1993, a new loan program, that was structured much differently, was implemented. The vision for the direct loan program was that it would be "phased" in, and would constitute 5 percent of new loan volume in Award Year 1994-1995, 40 percent the following year, and would gradually supplant FFELP loan volume. Supporters even felt that if enough schools volunteered, direct lending could constitute half of loan volume by its third year.<sup>7</sup> As shown on the graph, the amount of aid awarded through direct lending climbed steeply in its early years, peaking in aid awarded in 1997-1998 at about \$10.5 million, and remained near that level in subsequent years. Participation in the program was at its highest in 1996-1997, when it held about 33 percent of the student loan market. Direct lending has now shrunk to about 25 percent of the market.<sup>8</sup>

<sup>&</sup>lt;sup>7</sup>Michael Mumper, <u>Removing College Price Barriers: What Government Has Done and Why It Doesn't Work (Albany, NY: SUNY Press, 1996), 106.</u>

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<sup>4</sup> Blackmar, 276.

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<sup>6</sup> Ibid., 39-41.

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