



Senate Committee on Health, Education, Labor
and Pensions
Chair Bernie Sanders, Ranking Member Bill
Cassidy
Washington, D.C., 20510

House Committee on Education & the Workforce
Chair Virginia Foxx, Ranking Member Robert C. Scott
Washington, D.C. 20515

Senate Committee on Appropriations
Chair Patty Murray, Vice Chair Susan Collins
Washington, D.C. 20510

House Committee on Appropriations
Chair Tom Cole, Ranking Member Rosa DeLauro
Washington, D.C. 20515

October 1, 2024

Dear Chair Sanders, Ranking Member Cassidy, Chair Foxx, Ranking Member Scott, Chair Murray,
Vice Chair Collins, Chair Cole, and Ranking Member DeLauro:

As presidents of higher education associations whose members include the nation's public universities and state higher education executive officers, we write to express our deep concern with Congress interjecting in policies related to in-state tuition determinations. Such policies are a highly inappropriate infringement on state and institutional policy discretion. They represent an unfunded federal mandate and present an array of implementation challenges. We urge Congress to return to the long-respected roles of state and federal governments in setting college tuition.

More specifically, we register our strong objection to a provision in the Fiscal Year 2024 Consolidated Appropriations Act, in which Congress mandates in-state tuition for citizens of Micronesia, Marshall Islands, and Palau (Freely Associated States or FAS)^[i] (Section 209 (b)(1)(E) of Title II of Division G of P.L. 118-42). Per the statute, public colleges and universities must now provide in-state tuition levels to this population of non-resident students or refrain from offering federal financial aid to ANY students. Compounding the problem, this provision was made per the statute effective July 1, 2024, for the 2024-25 award year, meaning tuition policies, which can require state legislative action, must be changed in a compressed period of time, an extremely onerous and impractical expectation given the array of procedures required to change tuition policies.

In our U.S. constitutional system of federalism, states and state institutions— not the federal government – appropriately set tuition policy at public institutions of higher education. On average, states provide most of the funding for public higher education.^[ii] States set tuition policy to best suit their individual state and student needs within the unique contexts of state budgets. Thus, across our nation, states have a wide variety of policies governing in-state tuition, and a wide variety of processes for setting tuition policy. Congress can provide tuition benefits to the citizens of the Freely Associated States or any other subset of students by simply providing federal support. Instead, Congress took a politically expedient, but highly inappropriate, action of overriding carefully considered state and institutional decisions to achieve their policy objective. Institutional participation in federal student aid programs does not justify the federal government's dictating the policies of states and public institutions.

We are greatly concerned not only with the most recent action, but also the example that it has set for future action. We urge Congress to respect the traditional and distinct roles of the federal and state governments in establishing higher education tuition. Please know our associations are eager to engage with you as additional proposals may arise in this area. Thank you for your consideration.

Sincerely,



Robert E. Anderson, Ph.D.
President, State Higher Education
Executive Officers Association
(SHEEO)



Mark Becker, Ph.D.
President, Association of Public
and Land-grant Universities
(APLU)



Dr. Charles L. Welch
President and CEO, American
Association of State Colleges and
Universities (AASCU)

^[1] According to a Government Accountability Office report in 2020, there were nearly 100,000 FAS citizens living in U.S. areas, with the largest populations in Hawaii, Guam, Washington, Arkansas, Oregon, California, Texas, Northern Mariana Islands, Oklahoma, Arizona, Missouri, Georgia, Colorado, and Iowa. <https://www.gao.gov/products/gao-20-491>

^[2] <https://www.urban.org/policy-centers/cross-center-initiatives/state-and-local-finance-initiative/state-and-local-backgrounders/higher-education-expenditures>.