

Washington Update April 12, 2019

Dear Colleagues:

Congress was busy this week trying to wrap a few things up as they enter an extended recess period. With the timeline for the election pressing, the momentum will continue. Remember the first Democratic presidential candidate debate is in June -- just two months away! So the pressure is on.

1. House Makes Magic Move on Budget!

The Budget Control Act, as it stands now, would require dramatic cuts for education and other programs for FY 2020, which begins October 1. In order to avoid significant cuts to education and other programs, the Budget Control Act needs to be amended to increase the spending caps. While the House Budget Committee adopted new spending caps this week, Democrats were unable to find consensus and bring that provision to the House floor.

But do not despair! Where there is a will there is a way! On Wednesday the House adopted something called a “deeming resolution” which provides for \$1.3 trillion for the 12 spending bills in FY 2020. The “non-defense discretionary” portion (which includes education) will be \$34 billion over the FY 2019 spending level. This deeming resolution paves the way for Appropriations Chair, Rep. Nita Lowey (D-NY), to divvy up the funding into 12 pots – one for each of the appropriations bills.

Education advocates are optimistic that education would see increases under this scenario. Chair Lowey has indicated that she intends to lay out the 12 funding levels in the next few weeks. There is a possibility that the House Labor/HHS/Education Appropriations subcommittee, chaired by Rep. Rosa DeLauro (D-CT), will mark up that bill as early as the week of April 29 when Congress returns from recess. This will give education advocates a first look at hopeful funding levels for education programs for FY 2020. All reports indicate that DeLauro is ready to move the bill as soon as possible.

The House spending levels will likely serve as the high-water mark in the process, as the Senate will undoubtedly insist on lower spending levels moving forward. Senate Majority Leader Mitch McConnell (R-KY) and House Speaker Nancy Pelosi (D-CA) announced they are beginning bi-cameral, bi-partisan talks to try to come to agreement on budget caps for the next two years. The Administration, always a wild card, will be weighing in too.

2. Secretary DeVos Grilled Again in House Education and Labor Committee Hearing

On April 10, Sec. of Education Betsy DeVos made her third appearance in the House to defend her policies. Grilled by Chair Bobby Scott (D-VA) and other Democrats, her

testimony was marked by multiple non-answers to questions. For example, when asked By Rep. Sablan (D-MP) if she was aware that 40 states do not include disaggregated achievement data for at least one federally required subgroup on state report cards required by federal law (ESSA), she responded that she only approves plans that comply with the law.

Other notable moments include:

- **Rep. Jahana Hayes (D-CT)**, former National Teacher of the Year, asked Sec. DeVos if she believes she has the authority to tell school districts they may not use federal funds to arm teachers and train them in using guns. DeVos responded that she did not have that authority, at which point Hayes brought forward a memo from the Department of Education stating that she does have that authority. DeVos held that she had neither advocated for or against the use of federal funds for guns for teachers.
- **Rep. Suzanne Bonamici (D-OR)** asked if Sec. DeVos -- when she rolled back the 2016 guidance to schools on transgender students-- was aware that transgender students are frequently bullied and victimized. She responded that the Office of Civil Rights is committed to ensuring that all students have equal access to an education free from discrimination.
- **Rep. Josh Harder (D-CA)** asked DeVos why her FY 2020 budget proposal eliminates federal funds for literacy programs when well over half of students do not read at grade level. She noted that billions of federal dollars for education in the past five decades have not improved test scores so it is time to pivot.

On April 11, Sec. DeVos appeared with Sen. Ted Cruz (R-TX) defending the tax credit proposal offered by her budget and introduced by Sen. Cruz (S.634). The bill calls for \$5 billion in tax credits for individuals or corporations when they donate to state authorized scholarship programs for private school tuition and other education activities. Cruz noted that they were going to have to “start picking off Democrats” to support the bill.

Hmmmm. Good luck with that!

To watch the hearing: <https://edlabor.house.gov/hearings/04/03/2019/examining-the-policies-and-priorities-of-the-us-department-of-education>

See: https://www.washingtonpost.com/education/2019/04/11/why-cant-betsy-devos-give-direct-answer-direct-question/?utm_term=.6685b5ce370d

3. Higher Education Act Update

[Senate Hearing on Accountability](#)

On April 10, the Senate Committee on HELP, chaired by Sen. Lamar Alexander (R-TN), held a hearing titled *Reauthorizing the Higher Education Act: Strengthening Accountability to Protect Students and Taxpayers*. This is one in a series of multiple hearings the Committee is holding as part of the bipartisan effort to put forward a reauthorization bill this summer. By all reports, negotiations are proceeding and, despite the odds, we may well see a bill coming out of the Committee in the next few months.

To watch hearing: <https://www.help.senate.gov/hearings/reauthorizing-the-higher-education-act-strengthening-accountability-to-protect-students-and-taxpayers>

New Bill to Strengthen Public Service Loan Forgiveness

Both the Trump Administration and some Congressional Republicans have targeted the Public Service Loan Forgiveness program for elimination. This week, a group of Senate Democrats led by Sen. Kristin Gillibrand (D-NY) and Sen. Tim Kaine (D-VA) introduced a bill to revise the program addressing, among other things, the inordinately high denial rate for borrowers. To date only 1% of borrowers who have applied have benefited from the program. The legislation allows partial loan forgiveness – after five years of making payments rather than requiring the current wait of 10 years. It also expands the program to borrowers of all types of federal student loans. The bill is co-sponsored by other Presidential hopefuls Sen. Bernie Sanders ((-VT) and Sen. Elizabeth Warren (D-MA). The bill is called the “*What You Can Do for Your Country Act of 2019*.” Multiple education organizations support the bill.

See: <https://www.cnbc.com/2019/04/11/bill-may-help-millions-qualify-for-popular-public-service-loan-forgiveness-program.html>

See: <https://www.gillibrand.senate.gov/news/press/release/gillibrand-kaine-lead-group-of-13-senators-to-introduce-new-legislation-to-overhaul-flawed-public-service-loan-forgiveness-program-ensure-millions-of-americans-will-now-be-eligible-for-the-loan-forgiveness-they-have-earned->

4. New Resource for Educators

- The State Higher Education Executive Officers Association is out with a report indicating that state funding for higher education has only recovered halfway since the great recession. The growing reliance on tuition remains at a near high. See: <https://sheeo.org/project/state-higher-education-finance/>

Wishing you a glorious springtime!

See you on twitter @janewestdc

Best,

Jane