

Washington Update November 30, 2018

Dear Colleagues:

The hawk of winter has landed in Washington; along with it has come the final session of the 115th Congress. The pre-holiday swirl is on!

1. The 116th Congress Coming Your Way in January

Final results for Senate elections are in. The Republicans will retain their majority for the 116th Congress picking up two seats to bring the final count to 53 Republicans and 47 Democrats (including Independents). There will likely be some transitions of some Committee chairs due to retirements and the usual new Congress re-shuffle, but major changes are not expected. For example, Sen. Alexander (R-TN) and Sen. Murray (D-WA) are likely to retain their positions as Chair and Ranking Member of the Senate HELP Committee. Senate leadership remains the same with Sen. McConnell (R-KY) as Majority Leader and Sen. Schumer (D-NY) as Minority Leader.

In the House, some competitions are yet to be finally determined; however, it is clear that the Democrats will be in the majority. The only question is by how much. The count right now is Democrats holding 234 seats and Republicans holding 200 seats. The numbers are important as party ratios for the body as a whole have a significant impact on the number of Members of each party assigned to committees. As a rule of thumb, historically the majority holds 2/3 of the Committee Seats and receives 2/3 of the staff allotment, leaving the minority with 1/3 of the Committee seats and the staff.

Rep. Bobby Scott (D-VA) is expected to chair the Committee on Education and the Workforce. Rep. Rosa DeLauro (D-CT) is expected to chair the Labor/HHS/Education Appropriations subcommittee. Rep. Nita Lowey (D-NY) is lined up to chair the full Appropriations Committee and Rep. Kay Granger (R-TX) to be the ranking member. This is the first time two women have been at the helm of the powerful Appropriations Committee. The new leader of the Democratic caucus will be Rep. Hakeem Jeffries (D-NY).

In terms of House leadership, the Republicans, as expected, have confirmed Rep. Kevin McCarthy (R-CA) as Minority Leader and Rep. Steve Scalise (R-LA) as Minority Whip. The big news came for the Democrats this week as Rep. Nancy Pelosi (D-CA) prevailed with the caucus to win support for her Speakership once again – despite the blowback from within her party. Rep. Hoyer (D-MD) was supported by the caucus to continue as Majority Leader and Rep. Clyburn (D-SC) as Majority Whip. Final votes will come in January when the full House will vote on both Speaker and Minority Leader.

2. Are We Headed to a Government Shutdown Dec. 7?

With the House out of session on Monday, only four days remain for the Congress to finalize the seven remaining funding bills for FY 2019. The big sticking point is \$5 billion for the border wall with Mexico which is President Trump's priority. The House Homeland Security bill includes the \$5 billion; however, the Senate bill includes only \$1.6 billion. The President has been reported to state that he will veto any bill that provides only \$1.6 billion for the wall. Some Democrats have floated the idea of including a provision in the bill which would ensure that Robert Mueller is able to continue his investigation unimpeded. This could shape up to be quite a standoff resulting in a government shutdown for the affected agencies (this does NOT include the Department of Education) or a temporary extension of funding to continue negotiations. Another possibility is that the current level of funding for the seven bills is simply extended until the next fiscal year – October 1, 2019.

As the holidays come closer, the lure to return home will loom large and members will be eager to pack their bags and head out of DC. It is often simply the fact that time runs out which forces a final compromise, despite intense posturing and rhetoric. We shall see.

<https://www.usatoday.com/story/news/politics/2018/11/28/congress-federal-government-shutdown-president-donald-trump-budget-spending-bill-senate-house/2137999002/>

<https://www.cnn.com/2018/11/26/politics/trump-border-wall-government-shutdown-congress/index.html>

3. Five Incoming House Committee Chairs Have Sec. DeVos on their Radar as She Rattles Higher Ed Once Again

Democrats are gearing up to chair committees in the House in January and at least five presumptive Committee chairs anticipate some face time with Sec. of Education Betsy DeVos. Rep. Bobby Scott (D-VA), likely new chair of the Committee on Education and the Workforce, will quiz the Secretary on the implementation of the Every Student Succeeds Act, as well as her handling of claims for student loan forgiveness for borrowers who were defrauded by their colleges. Rep. Mark Takano (D-CA), likely chair of the Veterans' Affairs Committee, plans for oversight of for-profit colleges that enroll veterans and DeVos's rollback of regulations in that area. Rep. Rosa DeLauro (D-CT), likely Labor/HHS/Education Appropriations subcommittee chair, will hold DeVos accountable for her failure to uphold federal protections for students. Rep. Maxine Waters (D-CA), likely incoming chair of the Financial Services Committee, is set to

examine the Department's track record on managing student loans. Finally, Rep. Elijah Cummings (D-MD), probable chair of the House Oversight Committee, is concerned about DeVos's treatment of the union representing Department of Education employees. And don't forget the likely-to-be-controversial school safety commission report is due out in December and will undoubtedly provoke a Congressional response.

Meanwhile Sec. DeVos is moving ahead with her planned agenda to roll back Title IX protections in higher education related to sexual harassment and assault. This week she published the proposed overhaul of the rules in the federal register with a 60 day comment period (see link below). The outcry has been significant, with sexual assault survivors setting up a website – handsoffix -- to assist people in submitting comments opposing the regulations. Sen. Patty Murray (D-WA) and Sen. Maggie Hassan (D-NH) met with advocates this week urging them to submit a large number of comments, all of which must be considered by the Department in making final decisions. Supporters of the new regulatory proposal are vocal as well with over 200 professors and attorneys signing a statement urging Congress to support the “Constitutionality rooted due process rights on campus.”

With the Higher Education Act on the docket for reauthorization, this issue will undoubtedly be a fly in the ointment, as Democrats and Republicans will likely be hard-pressed to come to agreement on this one. Sen. Patty Murray (D-WA) has long held that campus safety is a HEA reauthorization priority for her; she has also vowed to fight the DeVos regulatory proposal.

<https://www.federalregister.gov/documents/2018/11/29/2018-25314/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>

<https://www.handsoffix.org/submit-a-comment>

4. New Resources for Educators

- **The Albert Shanker Institute** is out *with The Collection and Availability of Teacher Diversity Data: A State by State Survey*, reporting that six states do not collect any district or school level data on teacher race and ethnicity. See: <http://www.shankerinstitute.org/resource/teacherracedata>
- **The National Bureau of Education Research** has published *The Long-Run Impact of Same-Race Teachers* finding that black students in Tennessee who have a black teacher in grades K-3 are 5% more likely to graduate from high school and 4% more likely to enroll in college than their peers in the same school who are not assigned to a black teacher. See: <https://www.nber.org/papers/w25254>

Wishing you a peaceful and relaxing weekend.

Best,

Jane