

## Washington Update August 6, 2021

Dear Colleagues:

Kait is on a well-deserved vacation this week – and I hope you are too! But if not, here we go.

### **1. The Senate Moves Toward August Recess with Bipartisan Infrastructure Bill and Budget Resolution on the Way to Passage**

While the House was not in session this week, the Senate was in considering [the Bipartisan Infrastructure Deal](#) which dominated the agenda with late night sessions, multiple amendments, behind the scenes negotiations, and angst over the Congressional Budget Office's determination that the legislation would add \$256 B to the deficit over 10 years. The Senate is in recess today, with many Members headed to Wyoming to pay respects to their former colleague [Sen. Mike Enzi](#) (R-WY), who passed away this week. Enzi was formerly the chair of the Senate HELP Committee.

The Senate will return tomorrow – for a rare Saturday session – and may work through the weekend and well into next week. With increasingly eager anticipation for the coveted August recess, Senators are likely to be in session several late nights to get their work done. A vote to move the bipartisan bill forward is scheduled for Saturday, with amendment debate to follow and likely passage by mid-week. While there are some provisions in this bill addressing education (\$65 B for broadband; \$5 B for clean energy school buses; \$500 M for energy efficiency improvements in schools and non-profits; and \$200 M to remove lead contamination in school drinking water), most of the bill is focused on traditional infrastructure, such as roads and bridges.

The Senate will then turn to the Budget Resolution. Sen. Bernie Sanders (D-VT), chair of the Budget Committee, will shepherd this proposal through on to the floor for what promises to be a grueling “vote-a-rama” as Republicans are likely to offer an endless supply of killer amendments intended to drag the process out with hopes (though slim) of killing the resolution. The resolution is a Democratic initiative calling for a \$3.5 trillion investment in “soft infrastructure,” including childcare, health care, climate change, and education. (See below for more details.) The budget resolution is likely to pass, leaving it to the House to act next when they return in September.

It is most likely that the Senate will head out of town by mid to late next week ready to savor a long recess. Both the House and the Senate will be back in session full tilt the week of September 20. But there is no question that behind-the-scenes staff and Committee work will be intense during the recess period.

### **2. When Congress Returns in September – an Explosion of Work and a Tight Timeline**

Here is what to keep on your radar for Congress's return to work in mid-September:

➤ **Passage of a Continuing Resolution (CR)**

Passage of a CR would prevent a government shutdown on September 30 when the current fiscal year expires. While there has been movement in the House and the Senate on FY 2022 appropriations bills, it is impossible that they could all be completed by the September 30 deadline. Thus, a temporary extension of current funding levels will be on the agenda. The dicey political aspect of this is that Senate Democrats may attach the “must pass” debt ceiling limit extension to this bill, putting Republicans in a difficult spot. In recent times Republicans have balked at increasing the cap on the debt limit demanding spending cuts in exchange for their votes. The high wire act here is that a government shutdown is at stake if the bill is not passed by September 30. Who will blink first?

➤ **Action on the Bipartisan Infrastructure Bill**

If the Senate has passed the bill before they adjourn, all eyes will be on the House. Politically, the bill is in a vise with Democrats seeking to ensure that their own members will hang tight for the next move after this bill passes – which will be the Democrats-only reconciliation bill. Democratic leadership, particularly in the House, has pledged not to move this bill unless the reconciliation bill (see below), is moved simultaneously. At the heart of this is Senate Democrats holding all 50 members – from the liberal and the conservative wings of the party – together to support the reconciliation bill. Without all 50 members, the bill would fail, as no Republicans are likely to support it. Speaker Pelosi (D-CA) believes that tying the two bills together (bipartisan infrastructure and partisan reconciliation), she will ensure the 50 Democratic votes needed in the Senate, as well as her own Democratic caucus, which also holds a slim majority. Her fear is that some Democrats in the Senate may bail after the bipartisan bill is passed. So, the fate of these two is intertwined in the politics of a closely divided Congress.

➤ **Action on the Budget Resolution and Reconciliation**

This is foremost in the minds of Biden supporters, as it represents perhaps a final opportunity for the President to achieve a massive accomplishment before campaign seasons dig in. The \$3.5 trillion dollar resolution will give directions and dollar amounts to Committees requiring them to provide to the Budget committee their proposals for how to invest the funds. The recommendations from the Committees will be put together to form the reconciliation bill. Thus, in the Senate the Committee on HELP will be the major decision maker about what programs do and do not get included for education. On the table are universal pre-K and two years of community college, in addition to multiple health and climate change provisions.

Many education advocates were busy this week promoting the inclusion in the reconciliation bill of President Biden’s recommendation for \$9 billion to address education workforce and pipeline concerns. Fifty three national organizations submitted a [letter](#) to the Congress urging support for this provision. Many

organizations called out -- in particular -- the portion of that provision which would address the crisis of special educator shortages by infusing \$900 million in the IDEA Personnel Preparation program. [Linked here is a memo](#) further explaining that shortage and how it can be addressed. What initiatives do and do not get included in the final reconciliation bill will be under intense debate in the coming weeks with bills probably reaching the full Congress for votes sometime in the fall.

➤ **Movement on FY 2022 Appropriations Bills**

Even though Congress will likely pass a Continuing Resolution, they still need to move on finalizing all 12 appropriations bills for the next fiscal year. The House has finished their work, including passage of a bill that increases the investment in the Department of Education by 41% -- a great victory for education advocates and an historic milestone. All eyes will be on the Senate as they move their bills and reveal the funding level they propose for the Department of Education

➤ **Senate confirmation of Education Nominees Roberto Rodriguez, Elizabeth Brown, and Catherine Lhamon**

Roberto Rodriguez – a former Obama Administration official, alumni of Sen. Kennedy’s HELP Committee staff, and CEO of TEACH Plus-- appears to be in good shape for confirmation having had his nomination advanced by the HELP Committee for full Senate approval. Rodriguez is in line to be Assistant Secretary for Planning, Evaluation, and Policy Development. Likewise, Brown is poised for a full Senate vote to confirm her as General Counsel. However, Lhamon’s nomination as Assistant Secretary for Civil Rights, appears to be in trouble. Her nomination did not make it out of committee, as all Republicans objected resulting in a 50-50 tie. Sen. Richard Burr (R-NC), ranking member on the HELP Committee said, “Ms. Lhamon has a history of using inflammatory rhetoric, violating students’ constitutionally based right to due process, and abusing regulatory power.” President Biden has promised to revise the controversial Title IX regulations put in place by former Sec. Betsy DeVos, and Lhamon would be the point person for that effort. For her nomination to proceed, Senate Majority Leader Schumer (D-NY) would have to intervene and bring it to the floor allowing four hours of debate on her nomination.

### 3. New Resources

- [The Department of Education Released a K-12 Guide to Returning to In-Person Classes](#) which reviews how schools can use American Rescue Plan funds to implement the latest CDC guidance and keep students and staff safe.

- **Chair of the Committee on Education and Labor Rep. Bobby Scott (D-VA) Issued a [Statement](#)** praising the Administration’s back to in-person learning guidance.
- **The American Association of University Professors Issued a [Statement](#)** which “condemns in the strongest possible terms” legislation that bans of limits teaching history and related subjects – including bills that would bar the teaching of concepts related to racism and discrimination.

Washington Update will be on hiatus until September 17. Wishing you all the best for some R and R in August before the September rush is upon us.

All the best,

Jane

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