Good Monday Morning. At the conclusion of this message, please find the Federal Advocacy & Public Policy Update for August 16, 2021. If you have any questions regarding the information found in this update, please do not hesitate to contact me.

Have a good week!

Best,

JT

Federal Advocacy & Public Policy Update

August 16, 2021

Congressional Update

Senate Advances Infrastructure Package(s)

The Senate has been uncharacteristically busy the past week, as lawmakers in the chamber formally considered and passed the Infrastructure Investment and Jobs Act (IIJA) by a margin of 69-30 on Tuesday, August 10. The bipartisan legislation would, if enacted, provide $550 billion in new funding for physical infrastructure projects ~~throughout the nation su~~ch as roads, bridges, and transit. Notably for the K-12 education community, the legislation proposes $65 billion for broadband connectivity efforts, $5 billion for electric buses, $500 million for competitive grants to make energy efficiency improvements within schools, and $200 million for lead abatement efforts at K-12 facilities.

The IIJA can best be understood as the first step in a wider two-step legislative process. Because Congressional Republicans would only engage on “traditional” physical infrastructure legislation like the IIJA, Congressional Democrats intend to pass a much larger infrastructure bill separately. This bill would likely include a wider array of Democratic priorities such as dedicated K-12 school infrastructure funding, additional broadband funding, and universal pre-K among a slew of other priorities. Significantly, House Democratic leaders have made clear that passage of the IIJA is dependent on Senate passage of this larger bill. Linking the two legislative proposals in this manner helps to ensure that there is enough support in both chambers and caucuses to pass both in the coming weeks and months ahead. At the same time, however, this strategy means the IIJA will not be immediately considered by the House, at least for the time being.

Following the passage of the IIJA in the Senate, Democrats in the chamber quickly pivoted to the second step of their legislative strategy with the consideration of the

federal fiscal year 2022 (FY22) budget resolution—a move that begins the legislative process known as budget reconciliation allowing certain legislation to be passed by simple majorities in both chambers (and thus circumventing a likely Republican filibuster in the chamber). The budget reconciliation process is how Congressional Democratic leadership intend to pass the remainder of the priorities contained in President Biden's American Jobs and Families plans as part of this forthcoming larger bill.

Early Wednesday morning, August 11, the Senate passed this FY22 budget resolution along party lines. This legislation provides a set of high-level instructions to committees in both the House and the Senate to begin crafting legislation aligned to the text of this resolution. Through this resolution, lawmakers have set a September 15 deadline to draft the text of this underlying bill as part of the committee process. At the same time, Senate Democrats circulated a memo detailing the specific policies that they would like to address as part of this effort. While the Senate has now formally recessed for the rest of August, leadership in the House announced that they will return to Washington, D.C. on August 23 to formally vote on the budget resolution to keep the wider process moving forward.

As these efforts continue to unfold, NSBA was joined by other educational stakeholder groups calling on lawmakers to appropriate at least $130 billion in dedicated school infrastructure funding as part of the forthcoming reconciliation package. NSBA's advocacy team will continue to remain engaged throughout this process to ensure lawmakers appreciate the substantial infrastructure needs of the K-12 community.

Administration Update

President Biden Nominates Head of OCTAE

On Tuesday, August 10, President Biden formally nominated Amy Loyd to serve as the U.S. Department of Education's Office of Career, Adult, and Technical Education's (OCTAE) next assistant secretary. Loyd was previously serving as the Deputy Assistant Secretary for Policy and Strategic Initiatives for the office. Among other responsibilities, OCTAE is tasked with overseeing and administering the implementation of federal career and technical education (CTE) legislation. More information on the announcement can be found here.

USED Approves Six More State ARP Plans

The American Rescue Plan (ARP), passed exclusively by Congressional Democrats, authorized $122 billion in additional pandemic aid funding to K-12 schools this past spring. Since that time, the

U.S. Department of Education (USED) distributed two-thirds of this funding to states via a formula detailed in the legislation. However, the Department held back the remaining third of these funds until states and territories submitted plans detailing how they would make use of these resources to support students as they recover from the impacts of the ongoing COVID-19 pandemic. On Thursday, August 12, the

Department approved six more of these plans, disbursing these additional funds to those states. States receiving approval this week include Alabama, Indiana, Kentucky, New Jersey, North Dakota, and South Carolina. In total, 27 state ARP plans have now been approved. The most current status of all state ARP plans, including highlights of plans approved by USED so far, can be found here.

Discretionary Grants

USED published notice on a discretionary grant program for the Office of Elementary and Secondary Education:

"Impact Aid Discretionary Construction Grant Program" – The Impact Aid Discretionary Construction Grant Program provides funding to LEAs for repairs and modernization of school facilities. These school districts are limited in raising funds for improvements due to large areas of federal land in their area. When emergency repairs are identified, it can be difficult for these districts to respond. The estimated available funds for this program total $17,400,000. Applications are due by September 13, 2021, and further information is available here.

New Legislation

S.2711 A bill to amend the Higher Education Act of 1965 and the Elementary and Secondary Education Act of 1965 to provide rules of construction that nothing in those Acts requires the use, teaching, promotion, or recommendation of any academic discipline, program, or activity that holds that the United States is a Nation founded on white supremacy and oppression, or that these forces are at the root of American society. Sponsor: Sen. Lee, Mike [R-UT]

S.2682 A bill to amend title III of division H of the Consolidated Appropriations Act, 2021 to prohibit the expenditure of funds on divisive concepts under the priorities noticed in the proposed rule submitted by the Department of Education relating to Proposed Priorities-American History and Civics Education. Sponsor: Sen. Rubio, Marco [R-FL]

H.R.4983 To prohibit elementary schools, secondary schools, and institutions of higher education that receive Federal funding from mandating COVID-19 vaccinations, and for other purposes. Sponsor: Rep. Van Duyne, Beth [R-TX-24]