Good Morning. Please find the October 11, 2021 Federal Advocacy & Public Policy Update at the conclusion of this message. If you have any questions regarding the items in this week's report, do not hesitate to contact me.

Thank you for all you do on behalf of public education. Have a good week!

Best,

J.T.

Federal Advocacy & Public Policy Update

October 11, 2021

Congressional Update

Lawmakers Agree to Short-term Debt Limit Extension

After an intense and protracted standoff over the last few months, lawmakers in the Senate announced that they had reached agreement to modestly increase the nation's borrowing authority (known as the national debt limit) by $480 billion. The agreement, at least temporarily, ensures that the nation will avert a default on its debt obligations. Announced on Wednesday, October 6, this measure is estimated to give the U.S. Treasury Department additional flexibility to service the nation's debt, likely through early December.

The short-term agreement is intended to provide additional time for lawmakers to determine a longer-term solution for the debt limit. Significantly, the agreement likely means that the debt ceiling will need to be addressed again around the same time that lawmakers must determine full-year funding for the federal government and related programs for the current federal fiscal year (FY22).

The debt ceiling agreement comes after a series of earlier legislative proposals to extend or suspend the debt limit were unanimously rejected by Republican Senators who have continued to argue that Democrats should achieve this unilaterally via the budget reconciliation process. Given the rules of the Senate, to overcome Republican opposition to a debt limit increase or suspension Congressional Democrats required 60 votes. With an evenly divided Senate, Democrats lacked the necessary votes to overcome this Republican filibuster.

Earlier this week, however, Minority Leader Mitch McConnell (R-KY) offered this short-term debt ceiling extension promising to provide at least 10 Republican votes to

overcome this obstacle. Late Thursday evening, McConnell delivered 11 votes, allowing the measure to be considered by a simple majority. The Senate subsequently voted 50-48 in favor of the short-term measure, sending the bill the House where it is widely expected to pass.

Senate Commerce Committee Continues Privacy Hearings

The Senate Commerce, Science and Transportation Committee held a third in a series of hearings focused on consumer privacy. The hearing, title "Enhancing Data Security," included a focus on several possible policy changes that could impact schools' work with community and private sector partners. Although not covering the Family Educational Rights and Privacy Act – that law falls under the HELP Committee's jurisdiction – school board leaders should closely follow the committee's work in this area. Bipartisan consensus appears to be emerging within the committee about expanding the Federal Trade Commission's staff to better enforce existing privacy requirements. This greater capacity, perhaps including through a new privacy bureau, could include stronger enforcement of the Children's Online Privacy Protection Act (COPPA), which applies to businesses that handle student data when working with schools. The hearing also showed renewed interest by some committee members and witnesses about expanding the FTC's jurisdiction to include non-profits and about stretching COPPA to cover older students, not just learners younger than age 13.

Administration Update

Department of Justice Steps Up Efforts to Address Violent Threats Against School Officials

Late last month, NSBA sent a letter to President Biden requesting federal assistance in helping to stop threats and thwart acts of violence again students, public school board members, and public district and school leaders. Earlier this week, October 4, the U.S. Department of Justice (DOJ) responded to this request, with Attorney General Merrick Garland issuing a memorandum directing his Department, along with the FBI, to take a series of ". . . additional efforts in the coming days designed to address the rise in criminal conduct directed toward school personnel." The memo goes on to note that the Department is currently determining how best to utilize federal law enforcement tools for this purpose and details that DOJ plans to also create specialized training and guidance for school boards and school administrators. More information on the Justice Department's response can be found here.

USED Proposes New Maintenance of Equity Implementation Requirements

On Tuesday, October 5, the U.S. Department of Education (USED) published two notices in the *Federal Register* regarding the American Rescue Plan's (ARP) maintenance of equity requirement (MOEquity). The first notice outlines a set of new data reporting elements regarding a new requirement that states publish information demonstrating that high-poverty school districts are not receiving disproportionate cuts to local school budgets. This MOEquity requirement was a condition for states receiving ARP money. More information on these notices can be found here and

here.

Senate Confirms New USED Nominees

On Wednesday, October 6, the Senate voted to confirm three high-level nominees for positions within the U.S. Department of Education (USED). Those approved for positions included Gwen Graham, who will oversee the Department's Office of Congressional and Legislative Affairs as Assistant Secretary, Elizabeth Merrill Brown, who will serve as USED's General Counsel, and Roberto Rodriguez, who will oversee the Department's Office of Planning, Evaluation, and Policy Development. There are a number of other USED appointees still awaiting Senate confirmation. This includes Amy Loyd, who has been nominated to be the next Assistant Secretary for the Office of Career, Technical, and Adult Education (OCTAE) as well as Catherine Lhamon, who was previously nominated to lead the Department's Office of Civil Rights (OCR). Although Lhamon's nomination has been stalled in committee, more recently Majority Leader Schumer (D-NY) has filed a measure to move this nomination to the floor for a full vote sometime soon.

USED Approves Four More ARP Plans

The American Rescue Plan (ARP), passed exclusively by Congressional Democrats earlier this year, authorized $122 billion in additional pandemic aid funding to be disbursed to K-12 schools this past spring. The U.S. Department of Education (USED) has since distributed two-thirds of this funding to states via a formula detailed in the legislation. The Department held back the remaining third of these funds, however, 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. As part of this ongoing effort, USED approved four more of these plans this week, sending these additional funds to Arizona, Michigan, Missouri, and Wyoming. The current status of all state ARP plans, including highlights of plans approved by USED so far, can be found here.

New Legislation

- H.R.5459 School Food Recovery Act of 2021 **Sponsor:**Rep. Pingree, Chellie [D-ME-1]
- H.R.5445 To amend the Carl D. Perkins Career and Technical Education Act of 2006 to direct the Secretary of Education to award grants for new agricultural education programs in secondary schools. **Sponsor:** Rep. Delgado, Antonio [D-NY-19]
- S.848 Consider Teachers Act of 2021 **Sponsor:**Sen. Braun, Mike [R-IN]