



Federal Advocacy & Public Policy Team

June 18, 2021

NSBA Weekly Update

Congressional Update

House Budget Committee Kicks-off FY22 Funding Cycle

After delays throughout the year, budget and appropriations activity started in earnest in the House this week. On Monday, June 14, House Budget Chairman John Yarmuth (D-KY) filed a [“deeming resolution”](#) to establish a topline figure for funding the federal government, along with related programs, for the upcoming 2022 federal fiscal year (FY22). This measure was later approved by the chamber and allows appropriators in the chamber to begin to craft the 12 individual spending bills that compose the discretionary side of the federal budget. The topline figure—about \$1.5 trillion— is slightly below President Biden’s budget [request](#) due to technical adjustments related to changes in mandatory federal spending.

More recently, House Democrats have unveiled an ambitious markup schedule for the coming month, aiming to prepare all 12 bills for consideration by the full House by mid-July. At present, the [Labor-HHS-ED](#) appropriations bill—legislation that provides funding for the U.S. Department of Education and the programs it oversees—is scheduled for July 7. Progress on appropriations has been far slower in the Senate and it remains unclear when the upper legislative chamber will commence work on comparable legislation to fund federal operations for the upcoming fiscal year, set to begin October 1, 2021.

Infrastructure Talks Drag on Without a Clear Path Forward

Lawmakers from both parties and both legislative chambers continue to debate potential investments in the nation’s infrastructure. Most recently, a bipartisan group of 21 Senators, led by Senators Sinema (D-AZ) and Portman (R-OH), has begun to coalesce around a high-level [“framework”](#) for a potential infrastructure deal. The group, composed of nearly equal amounts of Democrats and Republicans, is currently attempting to develop a nearly \$1 trillion infrastructure package—a topline figure slightly above a proposal offered by another group of Senators earlier this month. However, the framework lacks detail. A list of 11 mechanisms to finance the legislation, including repurposing previously appropriated pandemic aid dollars and simply expanding the eligible uses of existing pandemic aid funding, has been floated, but many of these proposals have already been rejected by the Biden Administration and many Congressional Democrats.

As these talks continue, Secretary of Education Miguel Cardona sent a [memo](#) to the White House outlining the immense infrastructure needs of K-12 schools across the nation after visiting many since his confirmation. Although a resolution on infrastructure remains unclear at this time, NSBA’s advocacy team will continue to impress upon lawmakers in both parties the significant infrastructure needs of the K-12 community as part of any investment in the nation’s infrastructure.

Senate Examines Biden Administration’s FY22 Budget

On Wednesday, June 16, the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies (Labor-HHS-ED) held a [hearing](#) examining President Biden’s FY22 budget proposal for the U.S. Department of Education. Secretary Cardona testified before the committee arguing that the administration’s proposed budget is a bold effort to address chronic underinvestment in K-12 education and would address significant inequities facing far too many of the nation’s learners. Much of the day’s discussion focused on the administration’s proposed “Title I Equity Grants” which, if enacted, would direct \$20 billion in new funding to local education agencies based on a new formula different from the one used in Title I of the Elementary and Secondary Education Act. In addition, several other issues were explored at length, including the ongoing implementation of the American Rescue Plan’s K-12 funds and efforts to reopen schools. Cardona’s full testimony can be found [here](#).

Administration Update

USED Releases Tranche of ESSER Plans

The American Rescue Plan (ARP), passed earlier this year, provided nearly \$122 billion in additional aid to K-12 schools via the existing Elementary and Secondary School Emergency Relief (ESSER) fund. These funds were intended to help schools weather the effects of the pandemic and facilitate the safe reopening of K-12 facilities for in-person instruction. About two-thirds of this funding (\$81 billion) was sent to states this past April, with the remainder to be delivered after states submitted plans for how the funds would be used.

On Monday, June 14, USED released plans for [28 states](#), including the District of Columbia, as the Department reviews and later approves them. Although the statutory deadline for these plans was June 7, USED has extended limited flexibilities to the remaining states that have yet to submit an ESSER plan. The Department anticipates that the remaining plans will be submitted for consideration on a rolling basis in the weeks ahead. Once approved, a related letter along with the remaining funding will be released to states for further use. More information regarding the plans can be found [here](#).

FCC’s Emergency Connectivity Fund Goes Live at the End of June

On Tuesday, June 15, the Federal Communications Commission (FCC) announced that eligible schools and libraries may begin to apply for a slice of the \$7.2 billion Emergency Connectivity Fund (ECF) on June 29. Authorized by the American Rescue Plan, the ECF provides funding to schools and libraries to purchase broadband plans and devices for students, school staff, and library patrons. The initial application period will last 45 days, ending August 13, and may be used for “reasonable costs associated with eligible equipment and services” purchased between July 1, 2021 and June 30, 2022. More information on the announcement, including how to apply for funding, can be found [here](#). In related news, the National Telecommunications and Information Administration released a new publicly available [map](#) displaying key indicators of broadband need throughout the nation.

USED Clarifies Title IX Interpretation

On Wednesday, June 16, the U.S. Department of Education’s Office of Civil Rights (OCR) issued a [notice of interpretation](#) clarifying that it intends to enforce Title IX of the Education Amendments of 1972’s prohibition on discrimination on the basis of sex to include protections from discrimination based on an individual’s sexual orientation or gender identity. OCR’s announcement is based on a recent Supreme Court ruling, *Bostock v. Clayton County*, which determined that discrimination on the basis of sexual orientation or gender identity is inherently discriminatory against a person based on sex.

Biden Administration Continues to Staff Key Education Roles

Late last week, the U.S. Department of Education (USED) [announced](#) a series of new appointees to fill key roles within the Department. Around the same time, President Biden [announced](#) his intention to nominate Sandra Bruce to be the next Inspector General for USED. In addition, Gwen Graham, who President Biden recently nominated to be Assistant Secretary for Legislation and Congressional Affairs at USED, was advanced by the Senate Health, Education, Labor, and Pensions (HELP) Committee on Wednesday for full consideration by the chamber at a later date. While a full vote has not yet been scheduled on her nomination, she is expected to be confirmed in the near future.

Bills

- [H.R.3943](#) — 117th Congress (2021-2022) To establish a commission to make recommendations for modernizing Federal financing of early care and education programs. **Sponsor:** [Rep. Owens, Burgess \[R-UT-4\]](#)
- [H.R.3871](#) — 117th Congress (2021-2022) To authorize the Secretary of Education to provide grants for education programs on the history of the treatment of Italian Americans during World War II. **Sponsor:** [Rep. Lofgren, Zoe \[D-CA-19\]](#)
- [H.R.3870](#) — 117th Congress (2021-2022) To amend the Higher Education Act of 1965 to include teacher preparation for computer science in elementary and secondary education. **Sponsor:** [Rep. Kilmer, Derek \[D-WA-6\]](#)
- [H.R.3855](#) — 117th Congress (2021-2022) To amend the Student Support and Academic Enrichment Grant program to promote career awareness in accounting as part of a well-rounded STEM educational experience. **Sponsor:** [Rep. Stevens, Haley M. \[D-MI-11\]](#)

NSBA Update

CSALS Meeting Monday, June 21, 2021, at 4:00 pm eastern: There will be a CSALS call this Monday, to discuss the latest happenings in Congress and with the Administration. The agenda and call logistics will be provided Monday morning.

Have a nice weekend.