

# The Federal Update for April 21, 2023

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Re: Federal Update

Date: April 21, 2023

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## Legislation and Guidance

### Speaker of the House Proposes Debt Plan

Speaker of the House Kevin McCarthy (R-CA), along with other House Republican leaders, announced a proposal Monday to address the looming financial crisis that will occur if the United States exceeds the current debt ceiling – expected to happen as soon as June. In addition, Secretary of Education Miguel Cardona testified in front of a House Appropriations Subcommittee on the President’s fiscal year (FY) 2024 budget request on Tuesday, as the House moves forward with the FY 2024 appropriations process while lawmakers continue negotiations on a debt solution.

The Republican proposal would raise the debt ceiling by $1.5 trillion or suspend the ceiling through March 31, 2024, whichever comes first, and would limit the overall discretionary spending amount for FY 2024 to FY 2022 levels, which amounts to a $131 billion cut compared to current year spending. As funding for the U.S. Department of Education is included in the discretionary spending amount, cuts to education programs would be likely.

Secretary Cardona criticized the plan at the budget request hearing on Tuesday, calling the cuts “devasting” and saying that the plan would “worsen public education, and it would limit access to higher education at a time where we need to double down if we’re going to compete with other countries who are growing as well.” Democratic lawmakers on the Subcommittee expressed similar sentiments about the proposal.

The debt ceiling proposal also targets the Biden administration’s proposal to provide up to $20,000 in student loan relief to eligible borrowers (the student loan relief plan is currently in litigation, with a decision pending at the U.S. Supreme Court). The Republican debt ceiling legislation would block the administration from implementing the student loan relief plan if the U.S. Supreme Court does allow it to stand, and would end the ongoing pause on monthly loan payments and interest accrual for borrowers. The legislation targets other loan proposals from the administration as well, including the administration’s effort to revamp income-driven repayment plans, and prohibits the U.S. Department of Education from implementing any future policies that would increase the cost of the student loan program to the federal government.

McCarthy says he plans to bring the debt ceiling legislation to a vote on the House floor next week, but the legislation has no chance of passing the Democrat-controlled Senate. Lawmakers must continue negotiating to reach a bipartisan compromise on addressing the debt ceiling before the deadline arrives. If a plan is not agreed upon to raise the ceiling in time, the U.S. will default on all of its debt, which economists say would have significant economic consequences.

Resources:

Michael Stratford, “House GOP debt limit plan would block Biden’s student loan agenda, prohibit future relief,” *Politico*, April 19, 2023.

Author: KSC

### House Votes to Pass Bill on Athletic Participation

On Thursday the House of Representatives passed H.R. 734, the Protection of Women and Girls in Sports Act by a margin of 219-203. The legislation would restrict participation in women’s and girls’ athletic competition (and other activities for athletic teams) to those students whose reproductive biology and genetic sex are designated as female at birth.

The legislation has little chance of becoming law at this point, since Senate Majority Leader Chuck Schumer (D-NY) has said that his chamber will not take it up. The White House has also issued a Statement of Administrative Policy threatening to veto the bill if it were to pass both chambers. “As a national ban that does not account for competitiveness or grade level, H.R. 734 targets people for who they are and therefore is discriminatory,” the White House wrote. “Politicians should not dictate a one-size-fits-all requirement that forces coaches to remove kids from their teams.”

The legislation would also override proposed regulations from the administration, which would allow schools to limit participation in sports only if it was in furtherance of an important educational objective and if the restriction was tailored to the sport, grade level, and level of competition.

Resources:
Brooke Migdon, “White House warns Biden would veto GOP’s trans sports ban,” *The Hill*, April 17, 2023.
Author: JCM

### President Signs Early Education Order

This week President Biden signed an executive order calling on federal agencies to prioritize childcare and early childhood education. The order directs federal agencies, including the U.S. Department of Education and the U.S. Department of Health and Human Services, to support the early childhood educator and other caregiving workforce. In the order, Biden asks the agencies to issue guidance on how States can use existing funds, including the Child Care Access Means Parents in School (CCAMPIS) grants to increase worker compensation. The order also asks several agencies to consider regulations that would lower the cost of care for families who are impacted by the Child Care and Development Block Grant program, among other items. Other provisions of the order would streamline access to home-based care for veterans, seek to improve the quality of jobs caring for the elderly and those with disabilities, and promote the right of care workers to unionize.

“No one should have to choose between caring for the parents who raised them, the children who depend on them, or the paycheck they rely on to take care of both,” Biden said in remarks before signing the order.

Advocates, however, have pointed out that the order does not include or require any additional spending after the President’s childcare proposals failed to make it into legislation passed last year.

Author: JCM

## News

### House Hearing on School Choice Highlights Partisan Divide

The House Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing on school choice Tuesday that highlighted stark policy differences between Democrats and Republicans on the Subcommittee on using federal funding for private schools.

The hearing included testimony from four witnesses, including former Representative and President of Invest in Education Luke Messer; Dr. Lindsey Burke, Director of the Center for Education Policy at the Heritage Foundation; Derek Black, Professor of Law and Ernest F. Hollings Chair in Constitutional Law at the University of South Carolina; and Denisha Allen, Senior Fellow at the American Federation for Children. The Subcommittee also heard testimony from three Members of Congress, Representatives Warren Davidson (R-OH), Mark Pocan (D-WI), and Adrian Smith (R-NE).

Throughout the hearing, Republicans on the Subcommittee touted school choice as a way for students attending poor-performing public schools to receive a better education. Republicans also linked the school choice discussion back to the party’s push for more parental involvement and rights in education, following the House’s passage of the Parents Bill of Rights Act last month, stating that education should be an individual choice as the needs of students differ. On the other side of the aisle, Democrats raised concerns regarding accountability in programs that allow public funds to be used for private schools, including possible discrimination issues, as private schools are not held to the same federal requirements as public schools. Democrats were more supportive of alternative public school options for students, such as charter schools and magnet schools. Democrats also expressed that the expansion of State school voucher programs leads to a disinvestment in public education, as State and local funds are diverted from public schools to be used for tuition at private schools.

The subcommittee hearing highlighted the partisan divide on education issues between Republicans and Democrats, with Republicans focusing heavily on education policy in the 118th Congress. The attention on education issues is likely to continue heading into the next election cycle.

Resources:

Libby Stanford, “GOP Lawmakers Tout School Choice as a Way Out of Failing Schools,” *Education Week*, April 18, 2023.

Mackenzie Wilkes, “House education panel presses for school choice to build on Parent’s Bill of Rights momentum,” *Politico*, April 18, 2023.

Author: KSC

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Posted by the California Department of Education, April 2023
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