The Bruman Group, PLLC logo

1120 20th Street, N.W., Suite 740

Washington, D.C. 20036

phone: 202.965.3652

fax: 202.965.8913

[bruman@bruman.com](mailto:bruman@bruman.com)

[www.bruman.com](http://www.bruman.com)

# The Federal Update for September 15, 2023

From: Michael Brustein, Julia Martin, Steven Spillan, Kelly Christiansen

Re: Federal Update

Date: September 15, 2023

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## Legislation and Guidance

### Risk of Government Shutdown Increases as FY 2024 Approaches

The risk of a government shutdown on October 1st is increasing as the beginning of fiscal year (FY) 2024 quickly approaches in two weeks. Congress is unlikely to send any final FY 2024 appropriations bill to the President prior to the start of the fiscal year and instead will need to pass a short-term spending measure, known as a continuing resolution or CR, that will extend government funding at FY 2023 levels until later this year.

The Senate is working to pass a minibus this week that includes funding for three appropriations accounts, including Agriculture-Federal Drug Administration, Military Construction-Veterans’ Affairs, and Transportation-Housing and Urban Development, while a House plan to consider the Republican-drafted defense spending bill for FY 2024 was abandoned Wednesday after demands from a group of conservative Republicans led to a lack of adequate votes for passage. House conservatives have outlined demands for an FY 2024 stopgap funding measure as well, including funding cuts and policy provisions that Democrats will not support. There is also disagreement on addressing a supplemental funding request from the White House to provide additional aid to Ukraine and disaster relief funds, among other funding. The current division within the House Republican caucus is putting the passage of a stopgap measure by October 1st in jeopardy.

The House has temporarily paused consideration of any FY 2024 funding measures while negotiations between Speaker McCarthy (R-CA) and conservative Republicans continue in the coming days. Any stopgap measure passed must have bipartisan support in order to gain enough votes for passage in the Republican-controlled House and Democrat-controlled Senate.

Author: KSC

### House Committee Approves Bills to Restrict Loan Forgiveness, Revise Archery Restrictions

In a markup in the House Committee on Education and the Workforce on Thursday, lawmakers approved several pieces of legislation that would make small changes to federal education policies.

Among the bills was a Congressional Review Act resolution that would strike a proposed income-driven repayment plan for federal student loans.

Another, the Think Differently about Education Act, would amend the Individuals with Disabilities Education Act (IDEA) to require that schools notify parents of students with disabilities of their right to bring outside experts to individualized education program (IEP) team meetings.

And the Protecting Hunting Heritage and Education Act would “clarify” that the prohibition on the use of federal education funds for weapons purchases and training does not apply to certain activities. The provision adds further language to Section 8526 of the Elementary and Secondary Education Act (ESEA) stating that “this paragraph shall not apply so as to prohibit the use of funds under this Act for the provision or use of such a weapon for purposes of training students in archery, hunting, or other shooting sports.” During debate on this legislation, lawmakers complained that the Department of Education’s guidance on this topic was overbroad, and stated that Congress had not intended to prohibit the use of potentially dangerous items in career education or other programs. However, only a few uses of funds were named in this legislative “fix.”

These bills, along with six others approved by the Committee, will now be eligible for consideration on the floor of the House of Representatives. But given Congress’ busy schedule working on appropriations and other must-pass legislation, they are unlikely to move any time soon.

Author: JCM

### ED Urges Spending for Students Experiencing Homelessness

U.S. Department of Education (ED) Deputy Assistant Secretary Adam Schott provided a letter to schools this week that included recommendations for maximizing the use of funds provided in the American Rescue Plan for homeless children and youth (ARP-HCY).

School officials requested guidance from ED on APR-HCY, since the funds are set to expire on September 30, 2024 and constraints have made spending the funds difficult. While the $800 million provided to State educational agencies and school districts can be used for transportation, housing, personal care products, and cell phones, advocates and officials say that State governments are restricting how funds are spent. With the deadline to spend funds only 12 months aways, officials are looking for ways to expedite and maximize the use of the funds.

Schott’s letter noted that 1.2 million students experienced homelessness during the 2021-2022 school year. This is an increase of almost 10 percent over the previous school year. Students who experience homelessness, he said, have lower rates of graduation and are more likely to experience violence and other health risks.

Due to the increase in students needing services and the limited time to spend funds, Schott encouraged States and schools to consider amending budgets or altering procurement processes to allow for expediting the use of funds. He also encouraged school leaders to consider partnering with community organizations that may be better able identify and serve those students experiencing homelessness. Additionally, officials should ensure that staff who provide these services receive the necessary professional development, he wrote.

In the letter, Schott also listed many allowable ways in which States and schools are using the ARP-HCY funds. Funds can be used to pay for short-term housing for students and their families; however, officials have concerns over the duration of those hotel stays. Schott did not point to a specific timeline but said that it is “fact-specific and based on individual circumstances.” He added that providing temporary housing to students and families should only be used after exhausting all other options.

Funds can also be used for reimbursing families for or purchasing prepaid cards for gas or the student’s school supplies. However, Schott said that schools should have strong internal controls when using prepaid cards and have families submit receipts for all purchases.

Other allowable uses in the letter include hiring mentors, assisting students with applying for the Free Application for Federal Student Aid, paying for college application and entrance exam expenses, hiring graduation coaches and other staff to provide college readiness and access assistance, and covering fees to participate in dual enrollment programs. Schott also reminded officials that any allowable use under the McKinney-Vento Education for Homeless Children and Youth program is also allowable under ARP-HCY.

[The letter can be viewed here.](https://subscriber.politicopro.com/f/?id=0000018a-8af0-dd5e-abfe-8bf2e5850000&source=email)

Resources:

Juan Perez Jr., “Education Department: States should find ways to ‘expedite’ homeless student spending,” *Politico*, September 12, 2023.

Author: BNT

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Contributors: Kelly Christiansen, Brandi Tennant, Julia Martin

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