

Infrastructure & Reconciliation

- **Bipartisan Infrastructure Deal (BID) includes education-related funding increases and decreases** – The Senate passed the BID ([bill text is here](#)). The BID contains funding for broadband, lead pipe removal in schools and child care centers, energy efficiency improvements in schools, and clean energy school buses. It also extends the Secure Rural Schools program.
- - **School-related infrastructure funding** –
 - A total of \$65 billion for broadband investment to help families access the internet and afford devices (Division F, starting on page 2014);
 - \$5 billion for clean-energy school buses (section 71101, starting on page 2386);
 - \$500 million over 5 years for competitive grants to schools and non-profits for energy efficiency improvements (section 40541, starting on page 1719);
 - \$200 million over 5 years to remove lead contamination in school drinking water, as part of a much bigger drinking water program (section 50110, pages 1929-1934); and
 - Reauthorizes and extends until 2023 the Secure Rural Schools and Community Self-Determination Act, which helps fund schools in 700 counties that have federal forest land (section 41202, starting on page 1878).
 - **Offsets (i.e., government savings) related to education** - To partially offset the new costs, the bill:
 - Extends the mandatory sequester for one more year (it is currently in place through FY 2030), which means one more year of an elevated origination fee for student loans. That additional component of the origination fee has been in place since FY 2013. For FY 2022, that extra fee under imposed by the mandatory sequester brings in a total of \$51 million to the federal government; and
 - Rescinds \$353.4 million of unobligated balances from the Higher Education Emergency Relief Fund. On page 2456, the bill rescinds \$353.4 million in unobligated balances from the total of almost \$37 billion that Congress provided for the Higher Education Emergency Relief Fund. That funding was enacted in the CARES Act in March 2020 and the Coronavirus Response and Relief Supplemental Appropriations Act in December 2020. The rescinded amount is less than 1% of the total provided, and no Institutions of Higher Education had applied for that funding.

Infrastructure & Reconciliation

- FY22 Budget includes reconciliation instructions
- The resolution instructs 12 Senate Committees and 13 House Committees to report legislation by September 15 that could add \$3.5 trillion in new spending and tax cut that would be paid for in full with new tax revenue – but not from families earning less than \$400,000, small businesses, or family farms – health care savings, and new economic growth. The education committees receive the largest instructions for new spending: the Senate HELP Committee is allowed to spend \$726 billion, and the House Education and Labor Committee may spend \$779.5 billion (the two committees do not have identical policy portfolios outside of education). The Senate plans to pass the budget resolution this week, after it completes work on the Infrastructure Investment and Jobs Act (aka, the Bipartisan Infrastructure Deal, or BID). The House would then likely be called back in session to pass the budget resolution as is, triggering the procedural protections for the resulting reconciliation bill in the fall.
- **How much investment in education will these reconciliation instructions cover?** – A budget resolution with reconciliation instructions does not spell out what the subsequent reconciliation bill contains, just provides committees with the freedom to produce bills with up to a certain amount of new cost or with savings of a minimum amount. The HELP Committee instruction of \$726 billion in new spending over ten years does not allow for funding all the President's requested items in its jurisdiction at the full funding level requested. Using the Office of Management and Budget's estimates for the cost of the President's budget (see [Table S.6](#)), the President's request includes \$8458 billion over ten years for major education-related items:
 - \$165 billion for universal pre-K and Head Start educator pay,
 - \$225 billion for child care,
 - \$272 billion for a number of higher education proposals, including \$109 billion for free community college and \$84 billion for Pell grants,
 - \$87 billion for education infrastructure,
 - \$87 billion for workforce development and
 - \$9 billion for educator training.

Infrastructure & Reconciliation

- Senate Democrats list the following as what could be included in the Senate HELP Committee's \$726 billion of the reconciliation bill, but the Committee could change the component parts based on what it thinks will pass:
 - Universal Pre-K for 3 and 4-year-olds
 - Child care for working families
 - Tuition-free community college
 - Investments in HBCUs, MSIs, HSIs, TCUs, and ANNHIs
 - Increase the maximum Pell grant award
 - School infrastructure, student success grants, and educator investments
 - Investments in primary care, including Community Health Centers, the National Health Service Corps, the Nurse Corps, and Teaching Health Center Graduate Medical Education
 - Health equity (maternal, behavioral, and racial equity health investments)
 - Pandemic preparedness
 - Workforce development and job training
 - Labor enforcement and penalties
 - Civilian Climate Corps funding
 - Research infrastructure, including for HBCUs, MSIs, HSIs, TCUs, and ANNHIs

What happens next? – Assuming that the Senate and House pass the budget resolution on party-line votes, the instructed committees will immediately start working to finalize legislation that meets their reconciliation instructions. Reconciliation bills have to pass the Senate's "Byrd Rule," which prohibits the inclusion of non-budgetary provisions, among other items. That rule has been interpreted to exclude appropriations, so funding would likely be drafted as mandatory and not discretionary spending (as was done for the American Rescue Plan, the FY 2021 reconciliation bill enacted this spring). The Byrd Rule also makes it harder to amend existing programs in ways that don't affect spending but do affect how they run, and sometimes makes it hard to set up new programs, since some of the required oversight and good governance provisions might not pass the Byrd Rule. That is why reconciliation bills often – but not always – add funding to existing programs rather than setting up new ones.

ESSER Reporting Requirements

- USED released a 'directed questions' document related to the ESSER data reporting requirements.
- CCSESA is filing comments, as well as AASA.
- Data collection is focused on states, but we know it will impact LEAs
- Comments are in coordination with CCSSO

ESSER Reporting Requirements

- Comments cite CCSSO letter, and reiterate three overarching concerns:
 - Much of the requested data will not be feasible to collect report, especially in the short term, as neither SEAs nor LEAs gather information in the manner requested. SEAs and LEAs would have to create new data reporting systems to comply with this data collection, an effort that would cost time and money.
 - Some of the data falls outside of the scope of the law. While Title I does require LEAs to allocate ESSER funds to individual schools, ESSER includes no such requirement. As a result, and quite appropriately, many LEAs are investing in district-wide activities like summer learning, tutoring and after-school programming, which cannot be captured in the data collection form as currently drafted.
 - Some of the data questions can be construed as limiting funding options in ways that could negatively impact state and local programming decisions.
- Every dollar/hour spent on ESSER reporting is a dollar/hour not used on student learning recovery.
- Comments will be filed ahead of 8/31 deadline.