

FEDERAL LEGISLATIVE ACTIVITY: FEBRUARY 2020

CHILD NUTRITION

In comments submitted for a Feb. 6 [House Oversight and Reform Committee hearing](#), NEA strongly opposed Trump administration efforts to limit categorical eligibility for the Supplemental Nutrition Assistance Program (SNAP). According to the U.S. Department of Agriculture, the proposed changes could deny food assistance to 3.1 million individuals and jeopardize free school meals for **nearly 1 million children** living in SNAP households. In addition, nearly half a million children could move from free meals to reduced-price meals and 40,000 children could lose eligibility for free and reduced-price meals altogether.

EDUCATION FUNDING

The Trump/DeVos budget proposal for fiscal year 2021, released Feb. 10, would slash education funding by \$6.1 billion—8.4 percent—compared to the amount Congress provided this year. Lowlights include:

- **Replacing Every Student Succeeds Act (ESSA) programs with a block grant.** Funding for Title I, Title II, English-language learners, community schools, rural education, and more would be combined—and then slashed by nearly \$5 billion.
- **Failing to pay the promised share of special education funding.** When Congress passed the Individuals with Disabilities Education Act (IDEA), it promised the federal government would pay 40 percent of special education costs. Under the Trump administration, the federal government's share has fallen to a record low of 13 percent.
- **Robbing public schools of resources with yet another voucher scheme.** Tax credits for money donated to “Education Freedom Scholarships” could divert up to \$5 billion in taxpayer dollars from the U.S. Treasury to private schools.
- **Slashing student aid—again.** Public service loan forgiveness would end, along with subsidized federal student loans. Work-study funding would decline by 55 percent. Parent PLUS loans would be capped at \$26,500 and loans for graduate students at \$100,000—far below the cost of multi-year programs like medical school.

Members of the House Appropriations Committee grilled DeVos at a hearing on her budget proposals:

- Rep. Rosa DeLauro (D-CT), chair of the appropriations subcommittee responsible for education funding, objected to the Trump/DeVos privatization agenda, noting that vouchers have a negative, statistically significant impact on educational achievement—i.e., more vouchers equals lower achievement.

- Rep. Nita Lowey (D-NY) raised concerns about the Trump/DeVos proposal to cut dozens of programs, including full-service community schools in her district.
- Rep. Barbara Lee (D-CA) objected to the Trump/DeVos plan to stop breaking down preschool enrollment data by race and ethnicity, noting that black students comprise 20 percent of the preschool population and 50 percent of suspensions.
- Rep. Mark Pocan (D-WI) noted the poor performance of many charter schools and asked Betsy DeVos what percentage are failing; she said she didn't know.
- Rep. Cheri Bustos (D-IL) discussed the impact of the Trump/DeVos block grant proposal on teacher shortages—vacancies in her district increased from 195 vacancies last year to 235 this year.
- Rep. Katherine Clark (D-MA) observed that the proposed Trump/DeVos voucher program does not include a nondiscrimination requirement.

EDUCATION SUPPORT PROFESSIONALS

At a Feb. 24 congressional briefing, NEA member [Marcie Villanueva](#) urged House members to take action to **end lunch shaming**. She also discussed how Congress can help prevent students from going hungry and the need to keep school cafeterias from operating in the red. Her message was straightforward: We can do better. Now the lead food service worker at Harlan Elementary School in Wilmington, Delaware, Villanueva started working in the field five years ago.

HEALTH CARE

NEA urged members of the House to [VOTE YES on H. Res. 826](#) opposing the Trump administration's "Healthy Adult Opportunity" initiative, which aims to **turn federal support for Medicaid into block grants**—an approach repeatedly rejected by Congress. Instead of the federal government paying a percentage of actual Medicaid spending, each state would receive a set amount. To compensate for the loss of federal support, states are likely to shift money from education to health care as well as limit the number of Medicaid beneficiaries, reduce benefits, or both. As a result, even more children would go without essential health care. The push for block grants is a subterfuge—just another way to cut benefits and limit access. The resolution passed by a vote of [223-290](#) on Feb. 6.

HIGHER EDUCATION

- On Feb. 6, members of the NEA Board of Directors urged lawmakers to **reauthorize the Higher Education Act (HEA)** and address the urgent need to make college more affordable and accessible. The College Affordability Act (H.R. 4674), a comprehensive reauthorization of the law, cleared the House Education and Labor Committee but has not yet come to the

floor. NEA supports the bill and successfully advocated for expanding public service loan forgiveness eligibility to include adjunct and contingent faculty—a huge victory.

- The Senate [postponed a vote](#) on a resolution passed by the House that would undo the latest misguided policy of Education Secretary Betsy DeVos: making it more difficult for students defrauded by unscrupulous colleges to cancel their federal student loan debt. Scheduled to take effect July 1, 2020, DeVos’ new “**borrower defense rule**” would put the burden of proof on students, impose unreasonable time limits, and end automatic loan relief for students whose colleges close before they graduate. Veterans, older students, students of color, students with disabilities, and students who are the first in their families to attend college are among those most likely to be affected.

HOUSING

NEA strongly opposed efforts to **weaken enforcement of the Fair Housing Act and lessen accountability** in comments submitted for a Feb. 5 [House Oversight and Reform Committee hearing](#). The Trump administration wants to water down the Affirmatively Furthering Fair Housing Rule (AFFH), a framework for local governments, states, and public housing entities to take “meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination.”

JUDICIAL NOMINATIONS

NEA opposed [Andrew Brasher’s nomination](#) to the U.S. Court of Appeals for the Eleventh Circuit due to his career-long **hostility to civil rights, educational equity, and workers’ rights**. Brasher defended illegal racial gerrymandering; fought to eliminate the Voting Rights Act, claiming racism has “faded away;” and argued that states have a legitimate interest in banning same-sex marriages and that businesses should have the right to refuse service to LGBTQ customers. He urged the Supreme Court to review a lower court decision striking down an Alabama law that ordered public schools to determine their students’ citizenship status. As Solicitor General of Alabama, he defended a state law that retaliated against the Alabama Education Association by conditioning members’ ability to pay dues on ceasing to engage in political activity.

PUBLIC SCHOOLS WEEK

The bipartisan, bicameral resolution declaring Feb. 24-28 Public Schools Week had [46 sponsors](#) in the Senate and [124 sponsors](#) in the House; the Senate passed it by voice vote on Feb. 27. The Public Schools Week resolution recognizes the importance of our nation’s public schools and honors those who work tirelessly to support and strengthen them. **Public education is the foundation of 21st century democracy**. Our public schools are open to every child—regardless of ability, wealth, or country of origin—and 9 out of 10 students attend them. The Public

Schools Week resolution sends an important message: Strengthening our public schools strengthens America.

RURAL SCHOOLS

On Feb. 13, Sen. Susan Collins (R-ME) sent [a letter](#) to Education Secretary Betsy DeVos opposing her plan to slash funding for rural, low-income schools from the Rural Education Achievement Program (REAP); the plan entailed changing how districts report the number of students living in poverty. For the last 17 years, REAP payments have been based on the number of students eligible for free and reduced-price lunch. DeVos prohibited that approach and decreed that schools must use census data instead, claiming the law requires it. We are working with our education partners and senators from affected states on the issue.

VOTING RIGHTS

NEA urged lawmakers to support the [Washington, D.C. Admission Act \(H.R. 51\)](#), which would **make Washington, D.C. our nation's 51st state**. Residents of the District of Columbia are U.S. citizens. They deserve equal voting rights, autonomy under the law, and a meaningful voice in the Congress of the United States—just like residents of the 50 states. With more than 700,000 residents, the District of Columbia has a larger population than Vermont and Wyoming, and about the same population as Alaska and North Dakota. District residents pay \$10,841 per capita per year in federal taxes, more than any other state.

WORKERS' RIGHTS

- The Trump U.S. Department of Labor announced plans to force NEA state affiliates to comply with the 1959 [Labor-Management Reporting and Disclosure Act \(LMRDA\)](#), a law enforced only against private sector unions for more than 60 years. NEA state affiliates are already subject to extensive reporting requirements. Subjecting them to the LMRDA as well would **gobble up existing resources and significant staff time**. According to the Department of Labor, completing annual financial reports alone would take 530 hours. NEA has determined, based on analyses performed by several state affiliates, that the Labor Department has vastly underestimated compliance costs.
- The House passed the [Protect the Right to Organize \(PRO\) Act \(H.R. 2474\)](#) by Rep. Bobby Scott (D-VA) by a vote of [224-194](#) on Feb. 6. To **reduce barriers to union organizing in the private sector**, the bill would redefine “employee” and “supervisor,” broaden the definition of unfair labor practices to include hiring replacements for striking workers and requiring employees to attend meetings that discourage union membership, and allow injunctions against employers who engage in unfair labor practices.

- In comments submitted for a Feb. 11 [House Workforce Protections Subcommittee hearing](#), NEA urged lawmakers to **modify the Family and Medical Leave Act (FMLA)** to cover education support professionals; guarantee that workers can keep their health insurance while on leave and return to their jobs, without penalty, after taking leave; broaden the scope of acceptable reasons for taking paid leave; and to define “family” in an inclusive way that reflects today’s realities—for example, including members of LGBTQ couples and guardian grandparents among those eligible for paid leave.
- On Feb. 13, by a vote of [232-183](#), the House passed [H.J. Res. 79](#) by Rep. Jackie Speier (D-CA) to **extend the deadline for ratifying the Equal Rights Amendment**. At present, the Constitution explicitly guarantees women only one right: the right to vote. The Equal Rights Amendment would guarantee equality for women, ban sex-based discrimination in the workplace, help women achieve pay equality, require states to intervene in cases of domestic violence and sexual harassment, guard against discrimination based on pregnancy and motherhood, and potentially bolster protections for gay and transgender people.

MORE LEGISLATIVE NEWS*

- On Feb. 26, by a vote of [410-4](#), the House passed the [Emmett Till Antilynching Act \(H.R. 35\)](#) by Rep. Bobby Rush (D-IL) to designate lynching as a hate crime under federal law and correct a historic wrong.
- On Feb. 28, by a vote of [213-195](#) the House passed the [Reversing the Youth Tobacco Epidemic Act of 2019 \(H.R. 2339\)](#) by Rep. Frank Pallone (D-NJ) to address the recent rise in tobacco use among students. The bill would extend FDA regulations on the sale, distribution, and use of cigarettes and smokeless tobacco to all tobacco products, including e-cigarettes.
- Rep. Raúl Grijalva (D-AZ) introduced the **SYLLABLE Act (H.R. 5764)** to help establish and support high-quality dual language immersion programs in communities with large numbers of low-income families.
- Sen. Chris Van Hollen (D-MD) introduced the **Homework Gap Trust Fund Act of 2020 (S. 3362)** to help communities purchase wireless devices and ensure all students have access to the internet.

**This list is a snapshot, not comprehensive*