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# The Federal Update for October 6, 2023

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

Re: Federal Update

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## Legislation and Guidance

### Congress Averts Shutdown, House Removes Speaker

In the final hours of the fiscal year on Saturday night, Congress passed a temporary funding bill, or continuing resolution (CR), to avert a government shutdown. The CR extends funding for the federal government through November 17 and includes $16 billion in domestic disaster aid for the Federal Emergency Management Agency. The final bill did not include additional aid for Ukraine, however, which had been part of a Senate-proposed bill last week. It also did not include an extension to the Farm Bill, which expired on October 1 and could lead significant consumer price implications in tge coming weeks.

The legislation was passed with a chaotic vote on Saturday, with the House and Senate using expedited procedures to ensure the CR passed by the midnight deadline, and the House relying on Democratic support to pass the bill that was opposed by a group of conservative Republicans. Republican infighting continued in the House in the days following the passage of the CR, with conservative Republicans leading a successful effort to remove Representative Kevin McCarthy (R-CA) as Speaker of the House in a 216-210 vote on Tuesday. McCarthy has been at odds with the conservative faction in the House since before he was elected Speaker earlier this year and is the first Speaker to ever be voted out in the middle of a Congressional term.

Representative Patrick McHenry (R-NC) is temporarily serving as “acting speaker pro tempore” until another member is voted in to replace McCarthy, which could come as soon as next Tuesday. House Republicans will meet on October 11 to hold their caucus election for a speaker nominee, which must take place before a full House vote. Currently, Representative Steve Scalise (R-LA) and Jim Jordan (R-OH) have indicated they will run for the nomination. Legislative business in the House is on pause this week, with members and staff unclear on whether the acting speaker pro tempore has the authority to oversee regular business, or only to oversee the vote for another speaker.

The Senate has also been in recess late this week so that members could attend the funeral of Senator Dianne Feinstein (D-CA) on Thursday. With challenges preventing work on appropriations this week, and possibly next, it remains unclear whether Congress will reach agreements on fiscal year 2024 spending levels before the November 17 deadline.

Author: KSC

## News

### President Announces More Loan Cancellation as Payments Resume

In an announcement Wednesday, President Biden said that the U.S. Department of Education had cancelled an additional $9 billion in student loan debt through several existing programs, including the Public Service Loan Forgiveness Program, and discharge for borrowers who are now permanently disabled. According to the announcement, more than $5 billion of that relief will go to 53,000 public employees working in federal, State, and local governments and other qualifying entities. Much of the remainder was directed at borrowers who are 20 years or more into the repayment process but who had been denied income-based repayment or loan forgiveness because of “historical inaccuracies in the count of payments that qualify toward forgiveness.”

The President also discussed the administration’s plan to expand the new income-driven repayment program, known as SAVE, and to use authority under the Higher Education Act to identify additional flexibilities.

Conservatives say that the total loan forgiveness is actually much higher than estimated by the administration and continue to argue that it is beyond the proper scope of Presidential powers. “Either the department is blissfully ignorant of its own binding legal constraints, or it is purposefully evading Congress’s approval and pushing forward with its own illegal charade — the latter is the obvious answer,” said House Committee on Education and the Workforce chair Virginia Foxx (R-NC) in a statement.

Author: JCM

*The Bruman Group, PLLC will be hosting a virtual training on October 19 to discuss the proposed changes to the Uniform Grants Guidance. Additional information and registration is available here:* [*www.bruman.com/training-and-recordings/*](http://www.bruman.com/training-and-recordings/)*.*

***The Federal Update has been prepared to inform The Bruman Group, PLLC’s legislative clients of recent events in federal education legislation and/or administrative law. It is not intended as legal advice, should not serve as the basis for decision-making in specific situations, and does not create an attorney-client relationship between The Bruman Group, PLLC and the reader.***

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