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# The Federal Update for September 8, 2023

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

Re: Federal Update

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## Legislation and Guidance

### Senate Moves Forward with Appropriations Minibus

Though the House of Representatives has not been in session this week, the U.S. Senate has spent their time working toward passage of several appropriations “minibus” bills – bills that combine multiple appropriations “accounts” into a legislative package. The first minibus, which could be considered on the Senate floor as soon as next week, will contain the spending bills for the U.S. Department of Agriculture and Federal Drug Administration, Military Construction and Veterans’ Affairs, and the U.S. Departments of Transportation and Housing and Urban Development.

These bills are expected to provide the Senate with extra leverage in negotiations with the House, where committee leadership has introduced spending bills with funding levels far below the amounts negotiated in the debt ceiling deal this summer.

Lawmakers must pass a short-term appropriations bill by September 30th in order to prevent a federal government shutdown while they continue working on individual spending accounts. Senate leaders on both sides of the aisle have committed to passing an emergency supplemental funding bill before current funding expires.

Author: JCM

### ****Republicans Introduce Resolution to Overturn SAVE Plan****

**This week, Republican members of the House Committee on Education and the Workforce introduced a Congressional Review Act (CRA) resolution that would overturn President Biden’s Savings on a Valuable Education (SAVE) plan. The President introduced the SAVE plan as a second option, after the Supreme Court decision to strike down the plan to forgive up to $20,000 per student borrower. The SAVE plan is an income-driven repayment option that would reduce monthly student loan payments and provide early loan forgiveness for some borrowers.**

Representative Lisa McClain (R-MI) and Chairwoman Virginia Foxx (R-NC) introduced the CRA resolution, calling Biden’s SAVE plan a “scheme” and “a desperate effort to curry favor and buy votes ahead of the next election.” McClain and Foxx allege that the plan would cost taxpayers $559 billion, worsen issues with excessive borrowing and rising college costs, and allow almost 80 percent of undergraduate borrowers to not fully repay their loans.

Republican Senators in the Senate Committee on Health, Education, Labor and Pensions, including Ranking Member Bill Cassidy (R-LA), John Thune (R-SD), and John Cornyn (R-TX), introduced a companion CRA resolution.

As a means to address the problems with the federal student loan system, the Representatives also pushed the Republican-backed solution, the Federal Assistance to Initiate Repayment (FAIR) Act. According to the lawmakers, the FAIR Act would simplify the repayment process and prevent subsidies from going to borrowers who do not need them. Additionally, the FAIR Act ends time-based forgiveness and requires the Office of Federal Student Aid to provide more guidance to servicers.

[The Committee’s fact sheet on the CRA resolution can be found here.](https://edworkforce.house.gov/uploadedfiles/cra_idr_fact_sheet.pdf) [The text of the CRA resolution can be found here.](https://house.us19.list-manage.com/track/click?u=242c4a1c0560b7d513ce7962f&id=7d73a4083d&e=b02a398d49)

Author: BNT

### ED Issues DCL on Supporting Immigrant Students

The U.S. Department of Education (ED) sent a “Dear Colleague” letter to Chief State School Officers this week highlighting existing federal resources for schools on supporting immigrant and refugee students. The letter reminds schools of their responsibilities to ensure all children, including immigrant children, receive equal access to a public education, as held in the 1982 U.S. Supreme Court case *Plyer v*. *Doe.*

With the letter, ED re-released a 2016 toolkit for educators on supporting immigrant and refugee students, which includes professional learning activities, classroom and schoolwide initiatives, and other resources. ED also reminds States of its English learner toolkit, which covers civil rights obligations related to immigrant and other English learner students.

The letter highlights federal programs and funding sources that may support initiatives for immigrant students, including COVID-19 relief funds that may be used to address the pandemic’s impact on immigrant students, as well as annually-funded programs like Title I, Part A of the Elementary and Secondary Education Act (ESEA); ESEA Title III, Part A; Education for Homeless Children and Youth under the McKinney-Vento Homeless Assistance Act; ESEA Title IV, Part A; Adult Education under the Workforce Innovation and Opportunity Act; and several competitive grant programs administered by ED.

In addition to funding under federal programs, ED encourages States to work with other related State and local agencies for funding and other resources, such as child welfare or housing agencies, which may be able to assist in providing services to immigrant students. ED also notes that the services provided to immigrant students should be well-rounded and include academic, as well as mental health and other related services.

[The letter on supporting immigrant students is available here](https://oese.ed.gov/files/2023/09/2023.09.06-Immigrant-DCL.pdf),

Author: KSC

***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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