



National Federation of Republican Women POLITICAL BRIEFING

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Talking Points: What You Need to Know About the Senate Plan for Education Reform

While this year discussions about immigration, the budget, the debt ceiling, and ObamaCare have dominated the legislative agenda, Senate Democrats put forth a plan on revising and reauthorizing the Elementary and Secondary Education Act of 1965 (ESEA). Congress has not dealt with education reform this year, meaning it has not reauthorized the ESEA even though the authorization for the ESEA's programs have expired. Congress has instead continued to authorize appropriations for the ESEA as a status quo measure. The following talking points are what you need to know about the Senate Democrat's plan for amending and reauthorizing the ESEA:

- The Senate reauthorization of the ESEA is S. 1094, or the Strengthening America's Schools Act of 2013, and is sponsored by Senator Tom Harkin (D-IA). It was introduced on June 4, 2013.
- S. 1094 has 11 cosponsors, all Democrats: Senators Baldwin (WI), Bennet (CO), Casey (PA), Franken (MN), Hagan (NC), Mikulski (MD), Murphy (CT), Murray (WA), Sanders (VT), Warren (MA), Whitehouse (RI).
- In amendments to the ESEA on the college and career readiness of all students addressed in Title 1, S. 1094 calls for the elimination of the requirement that schools and local education agencies "make adequate yearly progress toward state academic performance standards or be subject to specified improvements, corrective active, or restructuring." This will change some

aspects of No Child Left Behind provisions.

- S. 1094 makes other changes to Title I of the ESEA, by requiring states to set their own performance targets for high school graduation rates, to allow students the freedom to switch from a failing school to a better-performing one if that is not prohibited by state law, to set up grant programs to pay for the AP and IB tests for low-income students, to set up grants for migratory children and for the transition of foster care kids into schools, among other things.
- S. 1094 also mandates states to set up standards and systems for dealing with English learners and homeless children, makes changes to the Race to the Top program, and sets up a Commission on Effective Regulation and Assessment Systems for Public Schools.
- The Congressional Budget Office (CBO) has scored S. 1094 by establishing a baseline from funding levels from previous years for existing programs that S. 1094 reauthorizes; for new programs that S. 1094 introduces, the CBO used the level of funding proposed in President Obama's budget for FY 2014 as a baseline. The CBO determined that S. 1094 will cost \$24 billion in 2014 and \$127 billion over the 2014-2018 period. CBO also states that, "Enacting the bill also would increase direct spending by \$10 million over the 2014-2023 period; therefore, pay-as-you-go procedures apply."
- Some have raised concerns about S. 1094's emphasis on "sustainability." On page 1385 of the latest version of the bill, in a section about Green Ribbon schools, it is suggested that "The Secretary is authorized to identify and recognize exemplary schools, programs, and individuals. Such recognition may include- "(1) a Green Ribbon Schools program, such as the Green Ribbons School program carried out by the Secretary under section 5411(b)(5) as of the day before the date of enactment of the Strengthening America's Schools Act of 2013, that recognizes excellence in reducing environmental impact, increasing health and wellness, and providing

sustainability education."

Education reform is likely to go nowhere this year, and this bill will have to be updated for passage next year. There are also significant differences with the counterpart version in the House, H.R. 5. Nevertheless, education reform will come to be news again soon and it is good to know what the different legislative options are.

Senate Democrats Change Rules: On the Nuclear Option

The most significant change in three decades in how the Senate approves presidential nominees was made by Senate Democrats last week. Over the objections of Senate Republicans, and in a 52-48 vote, Democrats in the majority in the Senate voted to alter its rules to allow only a simple majority to confirm all presidential nominees except Supreme Court justices. The move ended a 38-year practice by which a single Senator could call for 60 votes to confirm presidential nominees. Now only 51 votes are required for a confirmation. Harry Reid and the Democrats number 55 in the Senate.

Capitol Hill observers speculate that the Democrats' action may now make it more difficult for them to gain the support of at least the five Republicans they will need to get 60 votes to end filibusters of legislation.

"This is the most important and most dangerous restructuring of Senate rules since Thomas Jefferson wrote them at the beginning of our country," Senator Lamar Alexander (R-TN) said after the rule change (*Bloomberg*, November 22, 2013). Former Senate parliamentarian Robert Dove opined "I can't imagine a larger change. This is an earthquake. This in my view means there are no longer rules in the Senate."

Just a few short years ago, then-Senator Barack Obama spoke forcefully against doing exactly what his Democratic colleagues in the Senate have done. When Republicans discussed making such a rule change in

2005, Obama said:

"I urge my Republican colleagues not to go through with changing these rules. In the long run, it is not a good result for either party. One day Democrats will be in the majority again, and this rule change will be no fairer to a Republican minority than it is to a Democratic minority. I sense that talk of the nuclear option is more about power than about fairness. I believe some of my colleagues propose this rule change because they can get away with it rather than because they know it is good for our democracy."

Obama's about-face in 2013, now favoring the Democratic majority seizing power, is described by him as "support[ing] the step a majority of Senators today took to change the way that Washington is doing business."

Republicans fear the move could make one of the least productive Congresses even more gridlocked, leading to an escalation of partisan warfare which places at risk ongoing budget and spending talks, as well as defense, food stamp and farm legislation. The move is said to also endanger efforts at compromise regarding the nation's debt ceiling and continued funding of government.

"If you thought the Senate has already ground to a near standstill, this is like throwing sand into the gears of an already rusty machine," said Republican strategist Ron Bonjean, who was an aide to former Majority Leader Trent Lott. "It's really going to heighten the tensions even further, create bitter partisan arguments and add to the acrimony that's currently in the Senate." Bloomberg reports that Senator John McCain (R-AZ) has initiated talks earlier in the week with majority leader Reid to avoid the rule change. Of the change, McCain says, "They have used the majority to change the rules and therefore there are no rules. It's a sad day for the Senate."

Budget Conference Committee

Recesses Without a Deal

The Congressional Budget Conference Committee has recessed and will not meet again until possibly five days before their self-imposed December 13 deadline to reach a deal.

Both the House and the Senate are on recess this week and the Senate will also be out the week of December 2, leaving the week of December 9 as the only opportunity for the conferees to meet.

Even though the full conference committee is not meeting, Senator Patty Murray (D-WA) and Representative Paul Ryan (R-WI) are said to be talking privately. Ryan stated that he and Murray have made some progress, but that fundamental disagreements exist over entitlement program reform, taxes and how far a deficit-cutting deal will go. "We are farther than we started," Ryan reported (*The Hill*, November 20, 2013).

This conference committee has met formally only twice so far, but sources note that budget agreements are not usually hammered out in group settings. No budget conference has had two or more public meetings since 1993.

The slow pace of the talks does have some worried about the impending sequester cuts. Ryan has predicted that there will not be another government shutdown when January 16 arrives and says the conference committee will either come to an agreement or existing spending levels would be temporarily extended. In the latter event, the automatic spending cuts (sequester) would still go forward.

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