

FEDERAL LEGISLATIVE ACTIVITY: MAY 2021

CHILD NUTRITION

Sens. Bernie Sanders of Vermont and Kirsten Gillibrand of New York, and Reps. Ilhan Omar of Minnesota and Gwen Moore of Wisconsin [introduced](#) the **Universal School Meals Program Act of 2021 (S. 1530/H.R. 3115)**, which would permanently provide free breakfast, lunch, dinner, and a snack to all school children regardless of income while eliminating school meal debt.

In [comments](#) submitted for the record of the House Civil Rights and Human Services Subcommittee's hearing on U.S. Department of Agriculture (USDA) policies and priorities, NEA said:

[Our] members believe ensuring that **all students** have access to free healthy school meals is crucial to ending hunger. Providing universal school meals to all students, at no cost to them, would improve their health as well as their classroom performance; eliminate the stigma of student meal debt; and relieve schools of complicated and burdensome paperwork. The legislation passed by Congress and the waivers and guidance provided by the USDA in the wake of the pandemic have allowed schools and school food service workers to demonstrate that they can provide meals to students in all communities. We must build on these successes.

Agriculture Secretary Tom Vilsack announced that the **Pandemic Electronic Benefit Transfer (P-EBT) program**, which was begun last year to provide payments to children when schools were closed, will be continued over the summer and is expected to reach more than 30 million children.

Sen. Patty Murray (D-WA) and Rep. Mike Levin (D-CA) introduced the **Stop Child Hunger Act (S. 1831/H.R. 3519)** to establish a permanent, nationwide electronic benefits transfer (EBT) program for children during school breaks and closures.

Sen. Patty Murray (D-WA) and Reps. Mark Pocan (D-WI), John Katko (R-NY), Andy Levin (D-MI), and Elise Stefanik (R-NY) reintroduced the **Improving Training for School Food Service Workers Act (S. 1834/H.R. 2897)**, which would help make training available that maximizes hands-on opportunities during regular, paid working hours.

Sens. Cory Booker (D-NJ) and John Cornyn (R-TX) introduced the **Food and Nutrition Education in Schools Act (S. 1421)** which would provide federal funding for projects that educate students about healthy food practices.

Sen. Bob Casey (D-PA) is introducing the **CARE for Kids Act**, which would expand free school meal eligibility for the many children living with grandparents or other caregivers due to crises like the opioid epidemic and COVID-19 pandemic.

EDUCATION FUNDING

President Biden's first legislative package, the **American Rescue Plan**, created a \$7.2 billion emergency fund to equip students for remote learning via the Federal Communications Commission's E-Rate program, as NEA advocated. On May 11, the FCC announced that the program has launched. "The FCC's action shows the power of the voices of educators advocating for our students," said [NEA President Becky Pringle](#). "In today's world, access to the internet is essential for learning. It is critical for conducting research, doing homework, and, when school buildings are closed, attending class. This was true before the COVID-19, and is even more important now coming out of this pandemic."

President Biden's **budget proposal for next year**, released May 28, increases funding for the Department of Education by more than 40 percent—in percentage terms, the biggest increase for any federal agency. Title I funding for high-poverty schools would more than double, rising by \$20 billion—the biggest year-over-year increase since the program's inception in 1965. The annual Pell Grant maximum would rise significantly, with access expanded to Dreamers. Funding for historically black colleges and universities (HBCUs) and other minority-serving institutions (MSIs) would rise by \$600 million. The president's budget proposal also includes historic increases for community schools, a \$3.1 billion boost in funding for the Individuals with Disabilities Education Act (IDEA), and a \$1 billion investment in school counselors.

EDUCATION SUPPORT PROFESSIONALS

On May 17, NEA submitted comments for the record of the Senate Health, Education, Labor, and Pensions (HELP) Committee's hearing on paid leave for working families. The letter said:

More than 25 years since the Family and Medical Leave Act's passage and despite growing consensus on the need for paid leave, FMLA still fails to cover approximately 40 percent of workers, including many of the education support professionals (ESPs) in K-12 schools and higher education. These include clerical support professionals, maintenance and janitorial staff, food service employees, and transportation services workers. Because of their schedules and the limited school year, many fail to meet the 1,250-hour threshold needed to qualify for FMLA benefits. This gap in federal law means that a significant number of those we entrust to help feed, transport or teach our students are unable to access basic leave benefits without risk of losing their job. NEA members support the **ESP Family and Medical Leave Act**, introduced in the 116th Congress, and other measures that would allow these employees—and other workers in different sectors, but similar situations—to access the paid and unpaid leave that millions of working people already have.

HIGHER EDUCATION

Sens. Tim Kaine (D-VA) and Kirsten Gillibrand (D-NY) and Rep. John P. Sarbanes (D-MD) led a May 5 [letter](#) to Education Secretary Miguel Cardona urging him to use administrative flexibilities granted during national emergencies to fix the **Public Service Loan Forgiveness (PSLF) program**.

NEA members Sean Manes and James Stewart participated in a (virtual) May 6 **roundtable with Education Secretary Miguel Cardona on the PSLF program**. Manes, a New Jersey elementary music teacher, became eligible for PSLF in 2019, but didn't receive it until 2020. Stewart, a Maryland high school science teacher, borrowed \$90,000 to finance a doctoral degree and today, his debt is in the six figures. Although he doesn't regret his career or educational choices, he wishes he'd had a better understanding of the loans before he took them on.

On May 21, Sens. Elizabeth Warren (D-MA), Tina Smith (D-MN), Chris Van Hollen (D-MD), and Richard Blumenthal (D-CT) sent [a letter](#) to Education Secretary Miguel Cardona requesting updates on the Education Department's actions to **protect student borrowers** during the pandemic, including how the agency plans to restart student loan payments and whether it plans to extend contracts with student loan companies.

INFRASTRUCTURE

Seventeen leading education organizations, including NEA, signed a May 12 [letter](#) to congressional leadership that said, "As Congress debates infrastructure proposals, the undersigned organizations strongly urge the inclusion of at least \$100 billion in direct grants and \$30 billion in bonds for K-12 public school facilities, which is consistent with the **Reopen and Rebuild America's Schools Act** passed by the U.S. House of Representatives in July 2020."

NEA was among the more than 100 organizations comprising the [Re]Build America's School Infrastructure Coalition that signed a May 13 [letter](#) urging President Biden to include school modernization in his **American Jobs Plan**. "Our nation's public schools should have the same priority as traditional infrastructure and be recognized for their role as essential public infrastructure in every American community," they wrote. "Bridges, ports, roads, transit, broadband, and water works are in the American Jobs Plan for the same reason public schools belong in an infrastructure package: because they are essential public infrastructure and cannot raise sufficient capital from local and state sources to meet the 50-year reconstruction requirements of aged and crumbling infrastructure."

On May 18, NEA sent every member of Congress a [letter](#) that began: "On behalf of our 3 million members and the 50 million students they serve, we applaud the administration's focus on jobs, education, families, and continuing to build up the economy. We are especially pleased by the provisions of the **American Jobs Plan** and **American Families Plan** specified below, and urge you to enact or modify them as indicated." The specified issues included school modernization, education, child nutrition, workers and families, and taxation.

NOMINATIONS

On May 11, the Senate confirmed the NEA-supported nomination of [Cindy Marten](#) for Deputy Secretary of Education by a vote of [54-44](#).

On May 20, the Senate Judiciary Committee voted to advance the NEA-supported nomination of [Judge Ketanji Brown Jackson](#) for the U.S. Court of Appeals for the District of Columbia Circuit.

On May 25, the Senate confirmed the NEA-supported nomination of [Kristen Clarke](#) for Assistant Attorney General for Civil Rights by a vote of [51-48](#).

The NEA-supported nomination of [Julie Su](#) for Deputy Secretary of Labor is still pending.

RACIAL JUSTICE

On May 20, President Biden [signed into law](#) the **COVID-19 Hate Crimes Act**. Introduced by Sen. Mazie Hirono (D-HI), it will strengthen federal efforts to address hate crimes targeting Asian Americans in several ways: designate a Department of Justice employee to expedite the review of COVID-19 hate crimes, provide guidance for state and local officials for online reporting of such crimes, and require the department to issue guidance to mitigate racially discriminatory language in describing the pandemic.

RETIREMENT SECURITY

Sens. Sherrod Brown (D-OH) and Susan Collins (R-ME) reintroduced the **Social Security Fairness Act (S. 1302/H.R. 82)**, which would fully repeal the Government Pension Offset (GPO) and Windfall Elimination Provision (WEP) that deprive 2.5 million educators and other dedicated public servants of Social Security benefits they have earned.

House Ways and Means Committee Chairman Richard Neal (D-MA) reintroduced the **Public Servants Protection and Fairness Act (H.R. 2337)**, which would start to close the WEP gap but does not address the GPO. Future retirees would get \$150 more per month, on average, and current retirees would get \$75 more per month, on average. No one would get less than they now get. Previous versions of WEP-only bills created winners and losers by giving current retirees a bump in benefits while penalizing future retirees currently not impacted by the WEP.

While NEA supports both bills, our goal remains fully repealing both the GPO and WEP.

SPECIAL EDUCATION

On May 5, NEA sent a [letter](#) to the House Early Childhood, Elementary, and Secondary Education Subcommittee containing comments for the record of the subcommittee's hearing on addressing COVID-19's impact on students with disabilities. "[E]ven educators' best efforts cannot overcome the greatest challenge students and educators face: Congress' failure to ensure a free and appropriate education for children with disabilities by funding the Individuals with Disabilities Education Act (IDEA) at 40 percent of the excess cost," the letter said. "We therefore urge you to support the **Keep Our PACT Act (H.R. 764)**, which creates a 10-year path to fully funding both Title I of the Every Student Succeeds Act and IDEA."

NEA member Danielle M. Kovach, a third-grade self-contained learning and language disabilities specialist from New Jersey, testified (virtually) on May 6 before the House Early Childhood, Elementary, and Secondary Education Subcommittee. Kovach described the challenges of the abrupt switch to virtual learning and her concerns about the long-term implications of the pandemic on her student. She urged Congress to fulfill its commitment to fund IDEA at 40 percent of the excess cost.

VOTING RIGHTS

After adopting a handful of amendments, the Senate Rules and Administration Committee deadlocked 9-9 in a party-line vote on the **For the People Act (S. 1)**. Nevertheless, Senate Majority Leader Chuck Schumer vows to bring it to the floor before the July 4th congressional recess. The need for action is clear: More than 360 bills introduced in 47 state legislatures include provisions to make voting more difficult—for example, by shortening the time for absentee and early voting, requiring voters show an ID at the polls, and purging voter rolls.

The For the People Act rests on [three pillars](#): reaffirming and expanding voting rights, strengthening oversight to end big money in politics, and ensuring an ethical government. It would, among other things, institute automatic voter registration, place new limits on partisan practices like gerrymandering and purging voter rolls, and require candidates for president and vice president to release their tax returns.

WOMEN'S RIGHTS

The House passed the [NEA-supported Pregnant Workers Fairness Act \(H.R. 1065\)](#) by a vote of [315-101](#) on May 14. Key provisions include creating a uniform national standard for reasonable accommodations for pregnancy, childbirth, and related conditions; prohibiting employers from denying pregnant workers employment opportunities; requiring the U.S. Equal Employment Opportunity Commission to make rules implementing the law; and addressing the issue through a framework modeled after the Americans with Disabilities Act.

The [NEA-supported PUMP Act \(S. 1658\)](#) passed out of the Senate Health, Education, Labor, and Pensions Committee and is heading for the floor. The bill would protect the nearly 9 million employees who are not now covered by the Break Time law; require employers to provide reasonable break time and a private, non-bathroom space for breastfeeding employees to pump during the workday; and ensure that nursing mothers have access to remedies available for violations of the Fair Labor Standards Act.

OTHER LEGISLATIVE NEWS*

The House passed the [NEA-supported Mental Health Services for Students Act \(H.R. 721\)](#) on May 12.

Sen. Cory Booker (D-NJ) and Rep. Pramila Jayapal (D-WA) reintroduced the **HEAL Act (S. 1660/H.R. 3149)**, which expand immigrants' access to Medicaid, the Children's Health Insurance Program (CHIP), and health insurance sold by Affordable Care Act online marketplaces.

Reps. Ed Perlmutter (D-CO), Stephanie Murphy (D-FL), and Brian Fitzpatrick (R-PA) introduced the **School Safety Drill Research Act (H.R. 3432)** to determine the unintentional impact of such drills and help schools move forward with trauma-informed alternatives.

Sens. Sherrod Brown (D-OH) and Susan Collins (R-ME) and Reps. Sam Graves (R-MO) and Emanuel Cleaver (D-MO) introduced, respectively, [Senate Resolution 198](#) and [House Resolution 362](#) honoring **Teacher Appreciation Week 2021**.

**This list is a snapshot, not comprehensive*