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## The Elections Are Over - Is Washington Ready for Action?

Between the federal budget and reauthorizing major pieces of education policy, Congress will have its hands full, both in the “lame duck” session in November and December, and in the next Congress. Here’s a quick overview of what’s on tap, and when it might get done.

### Federal Fiscal Year (FFY) 2015 Budget

The current Continuing Resolution (CR) keeps the federal government open until December 11<sup>th</sup>. While there has been some talk of a shorter extension, perhaps into March, to enable the next Congress, with its Republican Senate majority, to address budget issues, some Republican leaders would prefer to extend the CR (or pass an omnibus spending bill) through September 30, 2015 to “clear the decks” and allow the new Congress to focus on new business, including preparing a FFY 2016 budget in regular order. One wild card is immigration; if the President uses his executive authority to unilaterally move on immigration issues, that could distract Congress from its regular business and could imperil timely extension of the CR.

### Reauthorization

As noted in an earlier Washington update, after many hearings held both by the House Education & the Workforce Committee and the Senate Health, Education, Labor & Pensions Committee, which have jurisdiction over reauthorizing the Higher Education Act (HEA), we saw legislation being drafted and voted upon, but nothing has been enacted yet. While Senator Harkin has talked about trying to move his HEA Reauthorization bill in the lame duck session of Congress, most people think the Senate has too many other “must pass” issues to address, led by the CR for the FFY15 budget, so Reauthorization will likely wait until the next Congress.

The next Congress will have major changes in the leadership on the authorizing committees. In the Senate, with the Republican majority, Senator Alexander (R-TN), a former governor, college president, and Secretary of Education, is likely to chair the committee; with Senator Harkin retired, many expect Senator Patty Murray (D-WA), a former school teacher, to become the Ranking Member. Their backgrounds certainly have them well prepared for a very full legislative agenda.

On the House side, Rep. John Kline (R-MN) is likely to continue as the committee chair, but under House Republican rules, he will need a waiver to

continue; if the waiver is not granted, Rep. Virginia Foxx (R-NC) would likely become the chair. On the Democratic side, with George Miller retired, Rep. Bobby Scott (D-VA) is likely to be the new Ranking Member.

Recent statements from Alexander's and Kline's staffers suggest that reauthorizing the Elementary and Secondary Education Act (ESEA) is likely to be a higher priority, so HEA Reauthorization may not begin moving until later in 2015. When it does, areas of potential or apparent bipartisan consensus include FAFSA simplification and perhaps moving to "prior-prior" year for aid award calculations, restoring year-round Pell, and improving and expanding federal direct loan counseling for students and parents. But the Congressional Budget Office scored prior-prior as having a significant cost, so it's not clear if or when that might move.

#### What to Expect in 2015 from the 114<sup>th</sup> Congress

While control (so to speak) of the Senate swings from Democrats to Republicans in 2015, the House has a larger Republican majority, and both chambers have more conservative members, there is some possibility that more will get done and centrists, rather than Tea Partiers or liberals, will have more sway. You may remember that when President Clinton had a Republican House and Senate, things still got done, the government ran a surplus, and the economy was strong.

On the Senate side, Republican leadership wants to demonstrate it can get things done, but for most issues that requires 60 votes (to invoke cloture, ending debate), so they will need to attract votes from a half dozen or so Democrats to pass bills. Also, while most of the seats Democrats lost in the 2014 election were in states that President Obama lost in the 2012 (and 2008) elections, in 2016 it will be Republicans that are on the defensive. Of 34 Senate seats on the ballot, 24 are held by Republicans, and seven of those are in states won by President Obama in 2008 and 2012. At a minimum, it seems likely that those seven Senators will need to show they can work across party lines and/or appeal to Democratic and Independent voters.

On the House side, prior to becoming Speaker of the House, John Boehner (R-OH) reached across the aisle to achieve bipartisan consensus and compromise on a variety of issues. Some would say he excelled at working bills through conference committee, smoothing out differences between bills passed by the House and Senate. Early in his current tenure as Speaker, budget and debt ceiling deals were often passed with bipartisan support, but with liberal Democrats and Tea Party Republicans opposing the bills. After all the attack ads in the 2010 elections saying Rep. X voted with Nancy Pelosi 98% of the time, I was looking forward to see Tea Party congressmen getting primaried by "establishment" Republicans highlighting that the Tea Party caucus voted with Nancy Pelosi on major budget bills. Gradually, Speaker Boehner began leading the House under the Hastert rule, named after the former Republican Speaker of

the House, who declared that he would only bring bills to the floor of the House for a vote if a majority of the majority would support it.

Going forward, it will be interesting to see how Speaker Boehner leads. Ultimately, he and likely Senate Majority Leader Mitch McConnell (R-KY) have a choice: they can pass bills that make the right wing happy, but will get vetoed, or they can pass bills with enough bipartisan language to get six or more Democratic votes in the Senate and a Presidential signature. Because many House members are in “safe” (Congressional election not competitive) districts, the biggest concern for many Republicans is being primaried by someone for not being conservative enough. So there is the potential for an interesting friction between Senate Republicans who want to look centrist/bipartisan, and House Republicans who want to look very conservative and unwilling to compromise on their principles. It will ultimately be up to Republican leadership to determine whether they want to pass “message bills” (appealing to their base, but with no chance of being enacted into law), or show they can pass and enact meaningful legislation to create a better educated workforce and a strong 21<sup>st</sup> century economy. Stay tuned!