



Van Scoyoc Associates Washington Update

June 10, 2022

WHITE HOUSE

USDA NIFA invests \$40 million to improve dietary health and reduce food insecurity

The U.S. Department of Agriculture (USDA) National Institute of Food and Agriculture (NIFA) [announced](#) the availability of nearly \$40 million to support the [Gus Schumacher Nutrition Incentive Program \(GusNIP\) Produce Prescription Program](#). The funding is part of the USDA American Rescue Plan Act. GusNIP Produce Prescription projects provide financial and non-financial incentives to income-eligible individuals and families to procure fresh fruits and vegetables intended to improve dietary health through increased consumption of fruits and vegetables, reduce individual and household food insecurity, and reduce associated health care costs.

Treasury Releases Updated SLFRF Reporting Guidance

Today, the Department of the Treasury released updated Compliance and Reporting Guidance and the Recovery Plan Performance Report template for the State and Local Fiscal Relief Fund program created by the American Rescue Plan Act. These documents include updates to reflect the final rule that Treasury adopted on January 6, 2022, which took effect on April 1, 2022. These updates take effect for the next Project and Expenditure Report and Recovery Plan that certain recipients need to submit by July 31, 2022. The updated Reporting Guidance and the Recovery Plan can be found here: <https://treasury.gov/SLFRPReporting>

CONGRESS

House Appropriations Committee Announces Markup Schedule

On Wednesday, the House adopted a deeming resolution as part of a rule for floor debate on gun control legislation, clearing the way for House appropriators to start moving FY23 spending bills. The deeming resolution set a single discretionary topline of \$1.6 trillion and reflects President Biden's discretionary budget request but does not specify how the funds would be divided up between defense and nondefense. It will be up to the House Appropriations Committee to use the overall number and divide it into the twelve subcommittee 302(b) subcommittee allocations.

This week, House Appropriations Committee Democrats also released the panel's markup schedule. The panel plans to start subcommittee markups on June 15 and complete full committee markups by June 30. The full markup schedule can be found [here](#), but the Labor HHS bill is currently scheduled to be marked up in subcommittee on June 23 and in full committee on June 30. House Democratic leaders are aiming to bring as many FY23 bills to the floor as they can before the August recess.

Top appropriators have been meeting since April to try to come to a bipartisan agreement on a spending framework, but talks to date have failed to yield consensus on overall discretionary spending levels for the FY23 bills. On Wednesday, the top four appropriators met for about 45 minutes and while they didn't reach a deal, participants said they agreed to keep talking. As in the past, Republicans are pushing for increased defense spending and Democrats for domestic funds, but the recent high rate of inflation has complicated things with Republicans wanting to ensure the defense spending level surpasses the rate of inflation.

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Senate Finance Committee

Republican members requested the Government Accountability Office (GAO) provide a detailed accounting of the \$350 billion of COVID relief funds appropriated to governments of states, localities, territories, and tribes under the American Rescue Plan Act (ARPA). [Press Release:](#)

Medical Health System Research Symposium (MHSRS)

The MHSRS is the premier military or civilian meeting that focuses specifically on the unique medical needs of the Warfighter and an opportunity to connect with program managers and other researchers. The [2022 MHSRS](#) will be an in-person meeting, with no virtual component and is scheduled for 12-15 September 2022 at the Gaylord Palms Resort and Convention Center, Kissimmee, Florida. MHSRS 2022 Focus Area [link](#)

Cantwell, Wicker Introduce MARAD Reauthorization to Boost Investment in U.S. Maritime Industry

U.S. Sens. Maria Cantwell (D-Wash.), Chair of the Committee on Commerce, Science, and Transportation, and Ranking Member Roger Wicker (R-Miss.) introduced the bipartisan [U.S. Maritime Administration \(MARAD\) Reauthorization Act](#). The \$1.6 billion bill would invest in the maritime workforce, strengthen maritime infrastructure, and expand research and development into new technologies to advance fleet sustainability and innovation. The bill would also strengthen protections against sexual assault and sexual harassment at sea.

National Oceanic and Atmospheric Administration

The Senate Commerce, Science, and Transportation Committee held a hearing on Wednesday to consider the nomination of Michael Morgan to serve as the Assistant Secretary for Environmental Observation and Prediction. The role oversees NOAA's terrestrial and satellite-based observation systems and the integration of observations into weather and climate forecasts. Morgan is a professor at the University of Wisconsin-Madison and has served as director of the Atmospheric and Geospace Sciences Division at the National Science Foundation.

Senators negotiating new gun legislation are proposing billions in new federal programs for mental health services and school security as well as grants to states to enact so-called red flag laws. Deciding where that money comes could add a wrinkle to the talks as Republicans and Democrats struggle to find some common ground on policies to respond to the massacres last month at an elementary school in Uvalde, Texas, and a grocery store in Buffalo, New York, that killed a total of 31 people.

BIPARTISAN INFRASTRUCTURE LAW

DOT Bridge Investment Program NOFO

The Department of Transportation issued its first notice of funding opportunity for the Bridge Investment Program. As you know, this a new grant program established by the Bipartisan Infrastructure Law, which provided \$2.36 billion for fiscal year 2022 grant awards. BIP funding is separate from, and supplemental to, the \$5.3 billion in bridge formula funding distributed to states earlier this year.

The NOFO seeks applications for three categories: planning projects, bridge construction projects under \$100 million, and large bridge construction projects over \$100 million. Each category has an individual application deadline and project sponsors may apply for funding under one, two, or all three categories. For non-planning projects, projects must be reasonably expected to begin construction within 18 months after the obligation of BIP funds for the project and preliminary engineering is complete for the project. Eligible applicants for all three BIP categories include: a state or a group of states; a metropolitan planning organization that serves an urbanized area with a population over 200,000; a

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unit of local government or a group of local governments; a political subdivision of a state or local government; a special purpose district or a public authority with a transportation function; a federal land management agency; a tribal government or a consortium of tribal governments; and a multistate or multijurisdictional group of entities. An overview of the key NOFO provisions is below. Additional information on project and application requirements as well as selection criteria can be found in the full NOFO and supporting materials [here](#). A press release by USDOT is linked [here](#).

EPA announces \$375 million for new recycling, reuse and waste prevention

The U.S. Environmental Protection Agency (EPA) [announced](#) \$375 million in funding through President Biden's Bipartisan Infrastructure Law for new recycling, reuse and waste prevention programs. The Agency published three Requests for Information seeking input on the design of these new materials management initiatives, the first step in the process to implement the largest EPA investment in recycling in 30 years.

SCIENCE, RESEARCH, AND DEVELOPMENT

DOE Applied Energy Budget: FY22 Outcomes and FY23 Request

The Department of Energy offices that support R&D on renewable energy, nuclear energy, and carbon management technologies are all receiving budget increases of roughly 10% in fiscal year 2022. Though sizeable, the Biden administration had sought significantly larger increases for DOE's applied energy offices, in some cases exceeding 50%. DOE is also receiving \$62 billion over multiple years outside of the regular appropriations process through last year's Infrastructure Investment and Jobs Act, mostly for programs supporting the deployment of energy technologies. Around \$25 billion of the total, including about \$8 billion in fiscal year 2022, will support technology demonstration projects, mostly overseen by the recently launched [Office of Clean Energy Demonstrations](#) (OCED).

For fiscal year 2023, the administration is again [requesting](#) exceptionally large increases for some programs, especially those in the Office of Energy Efficiency and Renewable Energy (EERE). Unlike last year, the administration also seeks a major expansion of the Advanced Research Projects Agency–Energy and proposes that it house efforts previously envisioned for a separate climate-oriented ARPA, which Congress ultimately declined to create.

NASA embraces high-risk, high-reward research with UAP study

NASA will commission a small independent study of unidentified aerial phenomena (UAP), a move the agency says is part of its desire to support risky research that has the potential for high payoffs. The agency announced June 9 it will set up an independent team of researchers who, starting in early fall, will spend about nine months examining what data is available about UAPs and make recommendations on what additional data to collect to better understand the phenomena. A final report will be publicly released at the end of the study. Sightings of UAPs have attracted considerable attention in recent years, including studies by two groups established by the Defense Department. However, there is no consensus to explain such sightings, primarily by military aviators, with rationales ranging from advanced weapons and extraterrestrial objects to natural phenomena or miscellaneous objects, like balloons.

ECONOMIC DEVELOPMENT

Amazon cloud's latest collaboration with Hong Kong Science Park seen as vote of confidence in city's role as regional tech hub

The new collaboration comes as the Hong Kong government is doubling down on efforts to make city a magnet for global tech entrepreneurs. HKSTP said it has so far attracted more than 1,000 tech companies and 500 start-ups to move onto its campus. On Monday, AWS [announced](#) a strategic partnership with operator Hong Kong Science and Technology



Parks Corp (HKSTP) to nurture local tech professionals and help start-ups in fields such as biotechnology, artificial intelligence (AI) and software-as-a-service. The two sides agreed to launch a series of programmes, including open data initiatives and training to enable local tech firms and talent to access data sets on the AWS platforms, along with projects designed to help tech start-ups cut costs and speed up their business growth. Tech firms in InnoHK, a program based at Hong Kong Science Park and run by the government to spur innovation, will receive the support.

A new federal program goes local to accelerate regional innovation

Last month, the NSF's new, impact-oriented [Directorate for Technology, Innovation and Partnerships](#) announced that it would be providing select U.S. regions with [up to \\$160 million over 10 years](#) to strengthen their local innovation scenes, with a focus on regions that have not fully participated in the tech boom of the last few decades. Branded the NSF Regional Innovation Engines program, the new initiative represents an especially serious effort to deploy place-based problem-solving against a major national challenge—in this case, lagging tech-oriented economic development and inclusive talent development in scores of locations that have been underserved for years.

HEALTH

House to Vote on Mental Health & ARHA-H Bills Later This Month

House Majority Leader Hoyer (D-MD) [announced](#) that the House will vote on a mental health/substance use package and ARPA-HA legislation during the week of June 20th. The bills were approved by the House Energy and Commerce Committee last month. Meanwhile, on the Senate side, the Senate Health, Education, Labor and Pensions (HELP) and Finance Committees are still developing their mental health/substance use legislative packages with a goal of considering them later this month or in July. The HELP Committee's progress has been slowed by a delay in their work on FDA user fees. Meanwhile, Congressional staff indicated that negotiations being conducted by a bipartisan group of Senators on a legislative package intended to address gun violence are on a separate track from the Committee work; that package may also include mental health provisions with potentially significant funding levels. Whether or not the gun violence package will materialize remains unclear. Sen. Murphy (D-CT), a lead negotiator, told reporters yesterday, "It'll be a miracle if we get a framework, never mind a final bill" but added, "miracles sometimes happen."

FDA User Fee Legislation Passes House, Poised for Senate Action

The House of Representatives on Wednesday passed the Food and Drug Amendments of 2022. The legislation would reauthorize the Food and Drug Administration's (FDA) user fees for prescription drugs, generic drugs, biologics, and medical devices for five years. The current user fees are set to expire September 30th, so Congress is acting quickly to pass legislation extending the programs before the FDA begins issuing pink slips to their scientists. The House version of the bill includes dozens of changes to FDA policy, most of which have broad consensus. The most controversial element of the House bill is its clinical trials diversity provisions which requires FDA applicants to including in their submissions a diversity action plan which describes intentions to boost the diversity of its clinical trials. The legislation ultimately passed the House by a vote of 392-28.

Meanwhile, next week the Senate Health, Education, Labor, and Pensions (HELP) Committee is scheduled to markup its own version of the FDA user fee legislation called the Food and Drug Administration Safety and Landmark Advancement Act. The Senate bill does not include the House's clinical trials diversity provisions. However, the Senate's version includes difficult policy matters, including baby formula, dietary supplements, and cosmetics under FDA oversight. Most challenging, however, is the Senate's inclusion of the VALID Act which would establish a regulatory framework for diagnostic tests. The VALID Act provisions have split clinical labs, medical device manufacturers, hospitals, and other

groups. The two chambers intend to preconference the user fee bills from the House and the Senate HELP version with the goal to get it signed into law in August, well before the FDA needs to make workforce adjustments. Whether the final bill includes the VALID Act, dietary supplement provisions, cosmetics provisions, or clinical trial diversity provisions is unknown.

Upcoming Hearings & Events

June 14

- Senate Health, Education, Labor and Pensions (HELP) Committee Executive Session to consider the following bills:
 - S. 4348, Food and Drug Administration Safety and Landmark Advancements (FDASLA) Act
 - S. 958, Maximizing Outcomes through Better Investments in Lifesaving Equipment for (MOBILE) Health Care Act
 - S. 4353, Retirement Improvement and Savings Enhancement to Supplement Healthy Investments for the Nest Egg (RISE & SHINE) Act
 - H.R. 1193, Cardiovascular Advances in Research and Opportunities Legacy Act
 - S. 4052, Early Hearing Detection and Intervention Act of 2022
 - Any additional business for consideration

June 16

- Senate Health, Education, Labor and Pensions (HELP) Committee hearing, “An Update on the Ongoing Federal Response to COVID-19: Current Status and Future Planning”

June 23

- House Appropriations Committee Labor-HHS Subcommittee markup of the FY23 Labor-HHS bill

June 30

- House Appropriations Committee full committee markup of the FY23 Labor-HHS bill

U.S. Surgeon General Vivek Murthy is calling for research, data, and personal experiences related to health misinformation, to deepen our collective understanding of its sources and impact. [Request for Information \(RFI\): Impact of Health Misinformation in the Digital Information Environment in the United States Throughout the COVID-19 Pandemic.](#)

HIGHER EDUCATION

Nominations

On June 8, the U.S. Senate voted [57-42](#) to confirm Dr. Amy Loyd as Assistant Secretary for Career, Technical, and Adult Education in the U.S. Department of Education. The Office of Career, Technical, and Adult Education (OCTAE) oversees the Perkins Act and other federal CTE-related initiatives.

Senate Appropriations Committee

The Subcommittee on Labor, Health and Human Services, Education held a hearing on the President’s FY23 budget request for the Department of Education. Secretary Miguel Cardona was the sole witness.



Ranking member Senator Blunt (R-MO), in his [opening statements](#), highlighted the critical importance of mental health access in schools, the department's revised regulations against public charter schools and "the harmful impact the administration's unfair, regressive student loan forgiveness proposals would have on higher education."

Chairwoman Patty Murray (D-WA) stressed the importance of delivering relief for student borrowers and said she wants an extension on student loan repayment until 2023. She asked the Secretary to address the root cause, to "fix the broken loan system." Senator Murray also reiterated the need to continue addressing the mental health crisis and the student learning loss exacerbated during the pandemic.

Secretary Cardona replied that the Federal Student Aid Office is improving services, with better communications, oversight and system upgrades. The simplification to the FAFSA, addressing backlogs to the Public Service Loan Forgiveness Program and the Total and Permanent Disability (TPD) Discharge Program has lifted debt burden for many students that qualified. Going forward, he said the department will be more engaged in outcomes, setting rigorous standards for third parties, and increase oversight and accountability. Regarding mental health needs, he pointed to existing federal resources, such as provisions in ESSA, funding from the American Rescue Plan and the FY23 budget request that includes plus ups and new program offerings. Regarding mental health services, he said there is has never been more supports and federal funding than now; however, there is "not enough money for federal government address this alone," state and local communities must be partners.

Senator Schatz (D-HI) asked if proposal to arm teachers would make schools safer. Secretary Cardona was adamant against such an effort and further it showed a *"lack of respect that [the teaching] profession has, and I would stand against that,"* he stated. Senators Braun (R-IN) and Baldwin (D-WI) inquired about the Department's plans for career and technical education, including the need for more emphasis on high school programs. Specifically, Sen. Baldwin highlighted that the Department's \$200 million Career-Connected High Schools grant program is limited to 32 awards. Secretary Cardona was supportive of supplemental funding and expressed the need for programs that offer alternative career pathways.

Senate Health Education Labor and Pensions Committee

Next Week: Mark Up of the Retirement Improvement and Savings Enhancement to Supplement Healthy Investments for the Nest Egg (RISE & SHINE) Act—legislation to strengthen people's emergency savings and retirement security. [Section by Section](#)

House Education and Labor Committee

Ranking Member Virginia Foxx (R-NC) sent a [letter](#) to Education Secretary Miguel Cardona questioning the administration's authority and ability to enact blanket student loan forgiveness. She inquired about selection criteria for student loan forgiveness and how any means-testing would be implemented. *Next Week:* An oversight hearing on the U.S. Department of Labor. To be held on June 14th.

ADMINISTRATION

Student Loan Debt Cancellation

Sen. Michael Bennet (D-CO) on Monday criticized the White House's plan to cancel at least \$10,000 in student loans per borrower, arguing the Administration should instead address the "absurd cost of college or fix our broken student loan program." Although President Biden said over a month ago that he would make a decision on the cancellation of some student debt within weeks, the White House seems to continue to weigh political and economic "fallout." A new stake



in the ground appears to be late August, just weeks before the November midterms, and the expiration of a long COVID-related pause on student debt repayments on August 31st. Through executive order the Biden administration has forgiven \$25 billion in student debt through a range of targeted debt relief initiatives. These include simplification of the Public Service Loan Forgiveness (PSLF) and Total and Permanent Disability (TPD) discharge programs and moves to discharge student debt for students who attended predatory for-profit colleges.

Sec Cardona Lay out Vision to Support Teacher Workforce

The Secretary spoke at a college in New York this week to highlight a focus the department will take to support and elevate the teaching profession. He noted three pillars:

- Recruiting diverse, high-qualified teachers and investing in high-quality teacher pipeline programs;
- Supporting educators' professional development to ensure students are receiving high-quality education; and
- Investing in strategies to retain high-quality educators and keep them in the profession long-term.

[Press Release](#)

In addition, the Department released a [fact sheet](#) on how American Rescue Plan (ARP) and other existing sources of federal funds can support the teacher workforce.

FEDERAL REGISTER

[Final Requirements](#): American Rescue Plan Act Elementary and Secondary School Emergency Relief Fund. The final requirements change the timeline for publishing information on LEAs that are excepted from local maintenance of equity. The final requirements also clarify the requirement for an SEA to describe how it is ensuring LEAs are complying with the maintenance of equity requirements. *Effective date: June 8, 2022.*

[Notice](#): Report From the Study of State Policies To Prohibit Aiding and Abetting Sexual Misconduct in Schools. *Publication date: June 8, 2022.*

LEGISLATION

[H.R.7910](#) — *Protecting Our Kids Act*. The bill would raise the age limit for purchasing semi-automatic rifles from 18 to 21, ban high-capacity magazines, create firearm safe storage requirements, and tighten the regulation of bump stocks and ghost guns. House Floor Vote: 223-204 vote, with five Republicans in support, two Democrats against. Committee Report: H. Rept. 117-346 [CBO report](#)

New Legislation:

H.R.7956 — To require the President to submit a report to Congress on the actions Executive agencies are taking to make school security improvements at public elementary and secondary schools, and for other purposes.

Sponsor: Rep. Carter, Earl L. "Buddy" [R-GA-1]

H.R.7942 — To authorize local educational agencies and non-public schools to use funds, services, or assistance provided under section 2001 or 2002 of the American Rescue Plan Act of 2021 for school safety, and for other purposes.

Sponsor: Rep. Owens, Burgess [R-UT-4]

[Brookings Report](#): Education policy through executive action: Comparing the Biden and Trump presidencies

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