



# COALITION ON HUMAN NEEDS

## The Human Needs Report

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The 115<sup>th</sup> Congress convened on Jan. 3 and hit the ground running. Here's a look at what they've been working on in their first two weeks as they prepare for the swearing in of Donald Trump as the 45<sup>th</sup> President of the United States on Friday, Jan. 20.

#### **House and Senate Pass FY17 Budget Resolution**

In the early morning hours of Thursday, Jan. 12, the Senate passed ([51-48](#)) a shell of an FY17 budget resolution whose only purpose is to lay the groundwork for repealing the Affordable Care Act. Only a simple majority was needed to pass in the Senate. The House followed, passing ([227-198](#)) the same budget plan (S. Con. Res 3) on Friday, Jan. 13. The resolution is a plan through which Congress sets

certain spending/taxation rules for itself; it does not go to the President for his signature and does not become law.

The Senate passage came after a seven-hour voting session known as a vote-a-rama, in which Senators can offer an unlimited number of amendments and votes occur in rapid succession. Roughly 20 amendments were voted on throughout Wednesday night, in this case without any resulting change to the underlying resolution.

Two amendments that were offered before the vote-a-rama were of interest to advocates. One amendment offered by Sen. Bernie Sanders (I-VT) would “prevent the Senate from breaking Donald Trump’s promise that there will be no cuts to Social Security, Medicare and Medicaid.” The amendment failed on a procedural vote ([49-49](#); 60 votes needed). All Democrats and Independents plus Sen. Susan Collins (R-ME) voted for Sen. Sanders’ amendment. A similar amendment offered by Sen. Mazie Hirono (D-HI) and Sen. Joe Donnelly (D-IN) to protect Medicare and Medicaid from cuts also failed to pass a procedural vote ([49-47](#), with 60 votes needed), with two Republicans, Sens. Collins and Heller (R-NV) joining Democrats and Independents in favor. According to **CQ**, Senate Budget Chairman Michael Enzi (R-WY) said the Hirono amendment would “destroy our efforts to repeal Obamacare.”

For more information on the GOP’s efforts to repeal the Affordable Care Act, see the related article in this *Human Needs Report*.

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## **Republicans Begin Process of Repealing Affordable Care Act**

On the first day of the new Congress, Senate Republicans took the first concrete steps towards repealing the Affordable Care Act. As mentioned in the related budget article in this *Human Needs Report*, the budget resolution introduced on Tuesday, Jan. 3 had only one purpose: to lay the groundwork for eviscerating major portions of the landmark health care reform bill that has helped millions of Americans.

The budget resolution, which passed the Senate on Jan. 12 and the House on Jan. 13, allows Congress to use a special legislative procedure known as reconciliation. The budget resolution gives four committees that have jurisdiction over health care policy – two in the House and two in the Senate – until Jan. 27 to draft portions of repeal legislation. These portions will then be combined into a final piece known as a [reconciliation](#) bill, which would also only need a simple majority to pass the Senate (for more information on reconciliation, see [this blog](#) from the Center on Budget and Policy Priorities). [It’s widely expected](#) that the reconciliation bill would eliminate the billions of dollars provided to the states that have chosen to expand Medicaid eligibility, and repeal the subsidies that help lower-income individuals afford insurance through the exchanges. It was noted in the process of passing the legislation that the Jan. 27 deadline is non-binding.

Original reports were that Republicans hoped to pass the repeal reconciliation bill by Feb. 20, with the terminations of programs set to take effect in two or more years, and without offering a replacement bill at the time the repeal is enacted. However, concern from some Republicans and comments from President-elect Trump have some now saying that the Republicans may try to offer a replacement plan at the same time as the legislation to repeal the law, and that the Feb. 20 timeline may get pushed into March to give Republicans more time to put their replacement plan together. President-Elect Trump commented that his Administration's plan would be released soon after the confirmation of his nominee for Secretary of the Department of Health and Human Services, Rep. Tom Price, and that it would provide ["insurance for everybody."](#) The specifics of what a replacement plan may look like and when it will be revealed have not yet been released.

Advocates contend that Members of Congress who vote to repeal the ACA with no plan in place to assure continued coverage, or a plan that reduces benefits or increases costs, are willing to put millions of people's health and lives in peril. It was also announced on Jan. 4 that President-elect Trump will take executive actions on health care on his first few days in office, but no details of what those executive actions will look like were provided.

A report from the Urban Institute [estimates](#) that repealing portions of the ACA through the reconciliation process described above without a comparable replacement plan in place would cause 30 million people, 82 percent of whom are in working families, to lose their coverage by 2019. It would also remove important consumer protections, jeopardizing the health and financial security of children, seniors and adults. Several advocacy groups held a day of action on Jan. 10 to urge Members of Congress to protect health coverage for millions of children and families and delay repealing Obamacare until congressional Republicans unveil their plan for replacing it. That was followed by many well-attended [events nationwide](#) staged by Democratic members of Congress, labor, and advocacy groups opposing the repeal of the Affordable Care Act on Jan. 15, with many additional events planned. To see a variety of resources showing the impact of repealing the ACA, see [this blog from CHN](#).

As opposition to loss of Affordable Care Act protections and benefits becomes more vocal, and concerns rise about cuts to Medicaid and Medicare as well, pressure will intensify on senators to prevent this damage. That pressure was felt by Sens. Collins (R-ME) and Heller (R-NV) in votes they took opposing cuts to Medicare and Medicaid on amendments to the budget resolution (see the related budget article in this issue). If all Democratic remain unified, the defection of 3 Republican Senators would defeat specific ACA replacement plans.

For more information on the budget resolution, see the related article in this *Human Needs Report*.

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### **Hearings Begin on President-elect Trump's Cabinet Picks**

The confirmation hearing for **Sen. Jeff Sessions** (R-AL), President-elect Trump's nominee to be Attorney General, took place in the Senate Judiciary Committee on Tuesday, Jan. 10 and Wednesday, Jan. 11.

Advocates can watch a recording of the [first day](#) and [second day](#) of the hearing. CHN joined many advocacy groups in sending a [letter](#) to the heads of the Judiciary Committee [opposing his nomination](#). A [press release](#) from the Leadership Conference on Civil and Human Rights (of which CHN is a member) cites Sen. Sessions' hostility to voting rights during his time as U.S. Attorney, his "long record of obstructing civil rights," and his "established pattern of bigotry." The National Council of La Raza said in a [statement](#) that Sen. Sessions "has been a staunch opponent of progress for historically disenfranchised groups, whether it's Blacks, Latinos, LGBT Americans, or women."

The Senate Banking, Housing and Urban Affairs Committee held a confirmation hearing on Jan. 12 for **Dr. Ben Carson**, President-elect Trump's nominee for Secretary of Housing and Urban Development. During his testimony, Dr. Carson reiterated the President-Elect's call to cut nondefense discretionary spending (spending subject to the annual appropriations process) by 1 percent annually. The National Low Income Housing Coalition noted in a [statement](#) that this "could amount to cuts as deep as 30 percent by 2026, devastating housing programs for the lowest income people." They also compiled the [top 10 questions](#) for the committee to ask Dr. Carson. Advocates can watch a recording of the hearing [here](#) and read Dr. Carson's written testimony [here](#).

The confirmation hearing for **Betsy DeVos**, President-elect Trump's pick for Secretary of Education, was postponed from Jan. 11 to Jan. 17 in the Senate Health, Education, Labor and Pensions (HELP) Committee. The National Education Association released a [statement](#) opposing the nomination of DeVos.

The Senate HELP Committee will also hold a confirmation hearing for **Rep. Tom Price** (R-GA), Trump's pick to head the Departments of Health and Human Services, on Jan. 18. The Senate Finance Committee will hold a confirmation hearing for Rep. Price after that; the [Finance Committee](#) has the primary responsibility for this department's nomination, since it has jurisdiction over taxes and entitlement programs like Medicare and Medicaid. Families USA [noted](#) that "As a member of the House of Representatives, Price has advanced proposals that would substantially undermine Medicare, Medicaid, and other insurance and dramatically reduce consumer access, coverage, and financial security putting the health and lives of millions in jeopardy."

The confirmation hearing for **Andrew Puzder**, Trump's nominee for Secretary of Labor, which was initially tentatively scheduled for Jan. 17, was postponed until February. This hearing will also take place in the Senate HELP Committee. Two events featuring workers at CKE Restaurants, where Puzder currently serves as CEO, were held on Jan. 10 and were [covered](#) on CHN's blog. Restaurant Opportunities Center (ROC) United also released a [report](#) on Jan. 10 detailing wage and hour violations, health and safety violations, discrimination, unfair treatment and sexual harassment at CKE Restaurants. The National Employment Law Project said in a [statement](#) that, "it's hard to think of anyone less suited for the job of lifting up America's forgotten workers — as Trump had campaigned on — than Puzder." The National Women's Law Center [said](#) Puzder "would have a devastating impact on women in the workplace." CHN has also sent a [letter](#) to the HELP Committee opposing Puzder's nomination. Faced with the barrage of criticism, Puzder was reported by [CNN](#) to be having second thoughts, although he did later [tweet](#) that he is looking forward to his hearing.

President-elect Trump has nominated **Rep. Mick Mulvaney** (R-SC) to be the director of the Office of Management and Budget. If confirmed, Mulvaney would play a key role in repealing regulations implemented by the Obama Administration (see the article, *Rules and Regulations under Threat*, in this issue); OMB oversees agency regulatory reform and its approval is needed for most regulations issued by agencies. A deficit hawk, Rep. Mulvaney is a co-founder of the ultra-conservative House Freedom Caucus and has [introduced](#) a number of bills aimed at cutting government spending, especially Medicare and Social Security. A confirmation hearing for Rep. Mulvaney has not yet been publicized.

All nominees to the cabinet have to be confirmed by a simple majority of the Senate.

For information on President-elect Trump's cabinet nominees, see CHN's page on the [Trump Administration](#). To see what to expect in policy changes from the Trump Administration and the new Congress in 2017, see the [December 6 Human Needs Report](#), our [Washington 2017 resource webpage](#), and [The New Congress: How it Plans to Cut...And How to Fight Back](#), a webinar originally held on December 16.

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## Rules and Regulations under Threat

A number of rules and regulations put into place in the last several months of the Obama Administration are being targeted by Republicans in Congress and the new Trump Administration for the potential chopping block. Enacted 20 years ago with the help of then-House Speaker Newt Gingrich, the Congressional Review Act gives Congress 60 legislative days to review and override major regulations enacted by federal agencies, with only a simple majority vote in the Senate. With Congress's schedule, this means regulations adopted since late May or early June – more than 150 rules according to the [New York Times](#) – could be potentially vulnerable. The law, if used to override regulations, also prevents agencies from enacting similar regulations again in the future unless specifically authorized by a subsequent law.

Advocates fear that multiple regulations that help low-income and other disadvantaged populations could be at risk. This includes a requirement that employees of federal contractors be allowed to earn paid sick days, consumer protections on prepaid debit cards and environmental protections.

In addition, the House on Jan. 4 passed ([238-184](#)) the Midnight Rules Relief Act (H.R. 21), which would amend the Congressional Review Act to make this overriding process easier. The Midnight Rules Relief Act would allow Congress to override multiple regulations at once rather than considering them one at a time. The House had also passed this bill in November. Because its passage in the Senate would require 60 votes, it is seen as not likely to reach final enactment.

On Jan. 5, the House also passed ([237-187](#)) the Regulations from the Executive in Need of Scrutiny (REINS) Act (H.R. 26), which would require all major regulations issued by the Executive Branch to be approved by Congress before they can be implemented. According to [Bend the Arc Jewish Action](#), this

bill could delay or shut down the implementation of critical new public health and safety safeguards, financial reforms and worker protections.

In addition to consumer protections being under attack, the entire Consumer Financial Protection Bureau ([CFPB](#)) is threatened. Some members of Congress and the new Administration want to remove the current director, Richard Cordray, and replace him with a five-member commission chosen by party leaders. They also want to take away the CFPB's independent funding, forcing the agency to depend on annual congressional appropriations. Since it began operations in 2011, the CFPB has returned nearly \$12 billion in refunds and relief to some 17 million Americans cheated by financial companies. Nearly 350 national and state organizations, including CHN, signed on to a [letter](#) urging Congress to support the CFPB.

[Overtime protections](#) finalized in May by the Department of Labor that would benefit 4.2 million low- and middle-income workers are also threatened. On Nov. 22, a federal judge blocked the protections, which were scheduled to take effect Dec. 1. While the judge's rule is only temporary, it means the litigation will not be finalized before Jan. 20. Many advocates expect the Trump Administration to drop the defense of the rule and kill the new overtime protections. Andrew Puzder, President-elect's pick to be Secretary of Labor, has [spoken out](#) strongly against the overtime rule.

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