

Hill Posture Email for Week of November 26, 2018

Appropriations and President Trump's border wall. Funding for the Department of Homeland Security (DHS) was included in the Omnibus and expires December 7th. Currently, the bill does not contain President Trump's \$5 billion request for border wall funding nor does it enhance internal enforcement of U.S. immigration laws. The American people deserve an immigration system that secures our borders, upholds the rule of law, and encourages legal immigration based on merit. **Heritage Action opposes a DHS funding bill that does not include border wall funding and internal enforcement.**

Food Stamps and Farm Bill. House and Senate leadership continue to negotiate H.R. 2. Heritage Action urges the Farm Bill [conference committee to](#) 1.) preserve the House food stamp work requirement provision and preserve the Grassley Amendment on actively engaged work requirements for commodity subsidy eligibility. [94 percent](#) of Americans agree that able-bodied adults who receive cash, food, housing, and medical assistance should be required to work or prepare for work as a condition of receiving those government benefits. **Heritage Action will key vote against a conference report that does not include the House's work requirements for food stamps.** Republicans should pass a one-year Farm Bill extension if the conference report is unable to strengthen work requirements for food stamp recipients.

Temporary Assistance for Needy Families (TANF) Reauthorization. Earlier this year, Rep. Adrian Smith (NE-03) introduced The Jobs and Opportunity with Benefits and Services for Success Act (H.R. 5861). This legislation would strengthen work requirements for able-bodied adults in exchange for TANF welfare benefits. Unfortunately the Senate Finance Committee released text of their TANF proposal that would expand the ability of states to weaken work requirements. **Heritage Action opposes any TANF reauthorization that weakens work requirements.**

Lame Duck. Click [here](#) to read a Heritage Action memo laying out the list of legislative opportunities conservatives have to advance good policy during the 2018 lame duck.

Jessica Anderson
Vice President
Heritage Action

Protect Faith-Based Adoption Agencies (Ways and Means)

Congress took action to protect faith-based adoption agencies from government discrimination. Led by Reps. Mike Kelly (R-Pa.), Robert Aderholt (R-Ala.), and Chairman Tom Cole (R-Okla.), the Committee on Appropriations included the bipartisan, pro-life Child Welfare Provider Inclusion Act (H.R. 1881 & S. 811) as an amendment to the FY19 Labor, Health and Human Services, and Education appropriations bill ([Coalition Letter](#)). This bill protects faith-based adoption and foster care agencies from religious discrimination ([polling](#)). Heritage Action applauds the work of the committee ([statement](#)). The upcoming omnibus should include the Child Welfare Provider Inclusion Act (H.R. 1881).

Tariffs (Ways and Means)

Congressional efforts to reassert its Article I Constitutional authority over the enactment of tariffs is commendable. Heritage Action supports the Corker-Toomey tariff bill (S. 3013) and [key voted](#) the motion to instruct. Heritage Action also supports efforts in the House to increase congressional oversight of tariffs including Rep. Mike Gallagher's (R-WI) bill to amend the Trade Expansion Act of 1962 (H.R. 6337) and Rep. Warren Davidson's (R-OH) bill called the Global Trade Accountability Act (H.R. 5281).

Internet Sales Tax (Judiciary)

The Supreme Court overturned long-standing precedent preventing states from forcing out-of-state businesses to collect and remit their state sales tax (*Quill v. North Dakota*). The physical presence standard limited state taxing authority to businesses with a physical presence within the state. This standard has protected small businesses from being subject to every taxing authority where they have a customer—potentially up to 12,000 state and local taxing jurisdictions. Heritage Action remains committed to working with Congress to codify the physical presence standard and protecting small businesses from state overreach ([statement](#)).

Net Neutrality and Restoring Internet Freedom (Energy and Commerce)

Senate Democrats forced a CRA vote to overturn the Trump administration's reversal of Obama-era net neutrality rules. Heritage Action [key voted against S.J. Res. 52](#), and [key vote against the resolution](#) in the House as well. Heritage Action also opposes any and all efforts to move a discharge petition to restore net neutrality. Your offices are likely to get a lot of phone calls from left-wing groups on net neutrality. Please read Heritage's "[Debunking the Left's Myths on Net Neutrality](#)" to get up to speed on the upcoming fight.

Military Family Education Savings Accounts (Education and the Workforce and Ways and Means)

Earlier this year, Congressman Jim Banks introduced The Education Savings Accounts for Military Families Act (H.R. 5199). Heritage Action strongly supports this legislation and [will include co-sponsorship of the bill on our scorecard for the 115th Congress](#). Heritage Action believes this bill will provide important benefits for military families who can face unique challenges in trying to provide a good education to their children. We believe it will also help the military retain talent and likely reduce training and retention costs.

Earlier this year, over 30 groups released a coalition letter in support of this legislation ([read the letter](#)) and Heritage Action released a letter signed by over 2,000 military families that encouraging lawmakers to give them a choice in their children's education ([read the letter here](#)).

If you read one thing, read this detailed response to National Association of Federally Impacted Schools briefing from which you can find [here](#). If you read two things, please read Lindsey Burke's response to ridiculous claims made by a Washington Post columnist ([read the response here](#)).

In order to detail the benefits and answer likely questions regarding this proposal, we released a detailed Question & Answer document, which you can find [here](#).

You can email Mark Rusthoven, LA for Rep Banks at Mark.Rusthoven@mail.house.gov for more details.

Additional Material:

[Heritage Action Scorecard Alert: CO-SPONSORSHIP of Education Savings Account for Military Families Act of 2018 \(H.R. 5199\)](#)

[Heritage Action: FAQ re: Education Savings Account for Military Families Act of 2018 \(H.R. 5199\)](#)

[Coalition to Congress: Support Military Education Savings Accounts](#)

[Heritage Commentary: A G.I. Bill for children from military families](#)

[Heritage Research: A GI Bill for Children of Military Families: Transforming Impact Aid into Education Savings Accounts](#)

[2017 Survey of 1,200 Active-Duty Military Service members, Veterans, and Spouses on Education, School Choice, and Education Savings Accounts](#)

[Heritage Research: The Looming National Security Crisis: Young Americans Unable to Serve in the Military](#)

[Real Clear Defense: Military Families Deserve Education Choice: A Response to Carol Burris](#)

Farm Bill (Agriculture Committee)

Heritage Action does not support the House Agriculture Committee-passed Agriculture and Nutrition Act of 2018 (H.R. 2) in its current form. The Heritage Foundation cautioned against the the bill continuing "business as usual" and "look[s] forward to the serious and open discussions that will enable these important goals to be achieved."

Heritage's Senior Research Fellow in Agricultural Policy, Daren Bakst, [offered](#) a reasonable level of reforms that would require removing the new provisions in the draft farm bill that make existing law worse, including provisions that could increase reference prices and expand loopholes for individuals not working on farms to receive thousands in farm subsidies. It would also require some combination of the following reforms some of which are also found in Rep. Ralph Norman's *President Trump's Farm Bill Reforms Act of 2018* (H.R. 5629):

- Capped Costs of Price Loss Coverage (PLC) and Agricultural Risk Coverage (ARC) Programs
- Reference Prices for PLC Program Based on Capped Five-Year Moving Average of Past Prices
- Reduced Premium Subsidy Rate for Crop Insurance from an Average of 62 Percent to 50 Percent or Lower
- Lower the Profit Margin that Crop Insurance Companies are Guaranteed by the Taxpayer Referred to as the Target Rate of Return from 14.5 Percent to 12 Percent
- Limited Premium Subsidy Level for Federal Crop Insurance Program

- No More Supply Controls on Sugar Production
- No More Protection Against Shallow Losses
- End of “Double Dipping” Between ARC/PLC and Federal Crop Insurance
- Limit all Farms to One Manager that can Qualify as Actively Engaged for Purposes of Receiving Traditional Farm Subsidies
- Properly Defined “Waters of the United States” Under the Clean Water Act.

Heritage’s welfare team, including Robert Rector, Jamie Hall, and Mimi Teixeira, [note](#) that “As currently drafted, it is unclear that these provisions would increase work in reasonable, effective ways.” Heritage offered the following recommendations:

- Eliminate labor surplus waivers from the ABAWD work requirement.
- Impose effective and reasonable sanctions.
- Adopt further improvements to work requirements.
- Strengthen penalties on states that fail to enforce work requirements.
- Structure the work requirement so it does not further penalize marriage.

These changes should be made before H.R. 2 come back to the House floor for a vote. Heritage research found that only 20-percent of work-capable adults on SNAP would be covered by the committee-passed reforms. ([READ THE REPORT](#))

Heritage Action opposed H.R. 2, but [key voted](#) yes on Foxx #32, yes on McClintock #102, yes on Biggs #10, and yes on Banks #16. The Senate Farm Bill (S. 3042) passed without any [SNAP reforms or farm subsidy reforms](#). Heritage Action opposed the Senate farm bill and issued a [key vote](#) against the bill. Heritage Action continues to oppose H.R. 2 in its current form and opposes the status-quo Senate farm bill (S. 3042). Any conference negotiations between the House and Senate should [preserve](#) the work requirement changes in the food stamp program found in the House bill.

Additional material:

[3 Reforms Conservatives Should Fight For in the Farm Bill](#)

[Heritage Foundation Farms and Free Enterprise Blueprint](#)

[The Hill op-ed: Congress should reduce federal farm aid](#)

[Daily Signal: Latest Projections Show Farm ‘Safety Net’ Is Going to Cost More Than Originally Projected](#)

[Daily Signal: Farm Subsidy Apologists Are Painting a Misleading Picture. Here Are the Facts](#)

[Daily Signal: Conservative Agricultural Policy Certainly Doesn’t Include Central Planning and Cronyism](#)

[NRO: Handouts to the Agriculture Industry Are Out of Control](#)

[Daily Signal: Responding to a Critic of Having More Freedom in Agriculture](#)

[Warning to the Swamp: There’s Wide and Diverse Opposition to Harmful Agricultural Subsidies](#)

Immigration and DACA (Judiciary)

Recently, the Supreme Court denied the Justice Department’s motion to take up an expedited appeal of the DACA case. This case will now return to the 9th Circuit Court of Appeals. Unless both the 9th Circuit and the Supreme Court expedite this case, it is unlikely a decision will be made until late this year. Despite the occasional rumor of action, there is no near-term deadline to force congressional action.

Heritage Action strongly supports President Trump's repeated calls to end chain migration. 79 percent of voters support moving to a merit-based immigration. Ending chain migration is a critical component to the immigration debate. Here are some of the things we put out this subject:

[Press Release: Harvard Poll Finds Public Supports Ending Chain Migration](#)
[Real Clear Politics: Why Conservatives Are Proposing a DACA Deal](#)
[Fox News Sunday: Shutdown Showdown Is Actually About Chain Migration, Not DACA](#)
[Heritage Action: Democrats' Amnesty Shutdown](#)
[Heritage Action: Time to Shut Down Chain Migration](#)

The Democrats continue to press for amnesty and a path to citizenship for DACA recipients and DREAMERS as part of any funding negotiation. The Republican-controlled Congress must not cave to Democrat pressure on this issue in the form of a discharge petition. The American people expect them to build a national consensus for an immigration policy that makes sense for 325 million Americans and not only a sympathetic group put into an untenable situation because former President Obama illegally bypassed Congress.

Additional Material:

[Op-ed Real Clear Politics: Why Conservatives Are Proposing a DACA Deal](#)
[New Heritage Research: Why Congress Should Not Legalize DACA: The Myths Surrounding the Program](#)
[Heritage Action Memo on Elimination the Diversity Visa Lottery](#)

Health Care & FY 2019 Budget Reconciliation (Budget, Energy and Commerce, Ways and Means, Rules)

Incredibly, 2018 is only the 8th year Republicans have controlled the House, Senate and White House at the same time since the Great Depression. Put another way, it would be legislative malpractice not to use budget reconciliation.

Fortunately, efforts to bail out Obamacare (i.e., expand and entrench Obamacare) failed. That prompted Sen. Lamar Alexander (R-Tenn.) to say “the only choice we have is to go back to repeal and replace the Affordable Care Act.”

A coalition of conservatives on the outside -- ranging from Heritage analysts and outside experts to state and federal officials -- continue to work on how to structure a block grant to achieve conservative policy objectives. The plan was officially unveiled last week. You can read all about it [here](#).

Please do not hesitate to ask if you have any question about the plan.

Additional Material:

[Daily Signal: Americans Need Health Reform to Be a Priority Issue in 2018](#)
[Heritage Research: How Lawmakers Should Deal with Obamacare Cost-Sharing-Reduction Payments](#)

Infrastructure (Education and the Workforce, Transportation and Infrastructure)

In 2017, Heritage Action joined ([letter](#)) a group of over 50 national and state outside organizations detailing how Congress can rebuild our nation’s infrastructure through various reforms without increasing spending or taxes. Heritage Action is opposed to increasing the gas tax, the creation of new federal grant programs, and more backsliding on labor policies. Additionally, Congress should pursue significant energy and environmental streamlining reforms and other permitting reforms that will reduce the costs to the American taxpayer.

Additional Material:

[Heritage Research: Unleashing Investment or Expanding Federal Control? How Proponents of Limited Government Should Evaluate the Trump Infrastructure Plan](#)

[Heritage Research: Driving Investment, Fueling Growth: How Strategic Reforms Can Generate \\$1.1 Trillion in Infrastructure Investment](#)

[Infrastructure Principles Coalition Letter](#)

[Heritage Research: "Buy American" Laws: A Costly Policy Mistake That Hurts Americans](#)

Earmarks (Rules)

At the end of last Congress, House Republicans nearly voted to bring back earmarks. Any attempt to reinstate earmarks would be a huge mistake as it would reinforce to the American people that Republicans are out of touch and incapable of following through on President Trump's call to "Drain the Swamp."

Earmarks were routinely used to increase government by greasing the wheels for bills to pass. Nothing in the current debate to bring them back suggests they will be used differently this time around. Furthermore, Members who make Article I arguments in favor of bringing them back are picking and choosing which parts of the Constitution they want to follow. Most earmarks would fail the 10th amendment test as they routinely were not in the national interest. Furthermore, closed-door attempts to bring back earmarks would further erode public trust and accountability. Constituents deserve to know exactly where their elected officials stand on bringing back this coercive tool.

Additional Material:

[Heritage Action Press Statement: PRESIDENT TRUMP FLOATS RETURN OF EARMARKS](#)

[Daily Signal: 7 Reasons Earmarks Are a Very Bad Idea](#)

[Op-ed at The Hill: Earmarks won't fix Washington's budgeting dysfunction](#)

[Coalition Letter Opposed to Earmarks](#)

Higher Education Reauthorization (Education and the Workforce)

Last year, the House Education & Workforce Committee, marked up their Higher Education Authorization. You can read the analysis of this bill by The Heritage Foundation education team [here](#).

Before the Thanksgiving break, Rep. Ron DeSantis reintroduced his Higher Education Reform and Opportunity (HERO) Act (HR 4274), along with 17 original co-sponsors. This legislation embraces several of the recommendations of The Heritage Foundation paper "[Seven Essential Policies for a Higher Education Act Reauthorization](#)," namely decoupling federal financing from accreditation and eliminating loan forgiveness.

Following the introduction of this legislation, Heritage Action immediately endorsed this bill and announced that co-sponsorship will be included as part of a Member's overall score for the 115th Congress. The Key Vote Co-Sponsorship can be found [here](#).

The House may consider a reauthorization of the Higher Education Act (HEA) known as the Promoting Real Opportunity, Success, and Prosperity through Education Reform Act (Prosper) Act ([H.R. 4508](#)). Any reauthorization of HEA should include accreditation reform as laid out in Rep. Ron DeSantis' Higher Education Reform and Opportunity (HERO) Act ([H.R. 4274](#)).

Additional Material:

[Heritage Research: Higher Education Act Reauthorization Offers Improvements—But Falls Short of Needed Policy Reforms](#)

[Heritage Research: Seven Essential Policies for a Higher Education Act Reauthorization](#)

[Heritage Research: Time to Reform Higher Education Financing and Accreditation](#)

Tax Reform (Ways and Means)

The sweeping tax reform signed into law at the end of 2017 will likely require additional legislative changes in 2018. This “technical corrections” package is likely to be one of the most heavily lobbied bill of the year as companies attempt to secure additional preferential tax treatment. [Heritage Action will monitor additional tax provisions closely this year and we will oppose efforts that we believe undermine the accomplishment of tax reform.](#)

Additionally, Congress should make the individual tax cuts and business expensing provisions, which expire after five years, permanent. The expiration of the individual tax cuts was one of the main arguments used by Democrats in Congress to attack tax reform, so an effort to permanently extend those cuts would immediately expose them.

Additional material:

[Heritage Research: Stop Extending Bad Policy—Let the Tax Extenders Die](#)

[Heritage Research: Tax Extenders Would Make Energy Companies Dependent, Not Dominant](#)

Child Welfare Provider Inclusion Act of 2017 (H.R. 1881 & S. 811) (Ways and Means)

Earlier this Congress, Rep Mike Kelly and Sen. Mike Enzi introduced the Child Welfare Provider Inclusion Act of 2017 (H.R. 1881 & S. 811). [Heritage Action supports the legislation, encourages Representatives and Senators to support it, and reserves the right to key vote in the future.](#)

Faith-based adoption agencies across the country are coming under attack. In Massachusetts, Illinois, California, and Washington, D.C., liberal groups have successfully pressured government authorities to require faith-based agencies to violate their sincerely held religious beliefs and place children in same-sex households. Congress should [keep kids first](#) by preventing religious discrimination against faith-based adoption agencies. Heritage Action encourages members to cosponsor the H.R. 1881 & S.811. Members of Congress can also sign a letter to President Trump calling for administration action ([Letter text](#)).

Employee Rights Act (H.R. 2723) (Education and the Workforce)

Earlier this Congress, Rep Phil Roe reintroduced the Employee Rights Act (H.R. 2723), previously introduced by former Rep. Tom Price. Senator Orrin Hatch introduced the Senate companion ([S.1774](#)), along with 15 co-sponsors including Chairman Alexander of the Senate Health, Education, Labor, & Pensions Committee. [Heritage Action has included co-sponsorship of this legislation as a component of our scorecard for this Congress.](#)

The Daily Caller [reported](#) on the millions of dollars of union member’s dues that have flowed to liberal causes, and in particular to the pro-abortion lobby including Planned Parenthood. Pro-life union members should not have their paycheck go to political causes that they disagree with without their consent. ERA

requires that labor unions obtain prior approval from employees to spend dues money on behalf of political parties, political candidates, or other political advocacy.

Additional Materials:

[Heritage Action Legislative Endorsement: HR 2723, the Employee Rights Act](#)

[Heritage Research: The Employee Rights Act Empowers Workers](#)

[Washington Examiner: Employee Rights Act will let GOP make the case for workers' rights](#)

[Heritage Action Thank you graphic for the Members who have Co-Sponsored ERA](#)

[Daily Signal Labor Day Weekend Op-ed By Rep Phil Roe](#)

Pension Bailouts (Education and the Workforce)

Heritage Action signed onto a [coalition letter](#) with a number of other groups outlining opposition to pension bailouts:

“On behalf of our organizations and the millions of American taxpayers we represent, we write to express our strong opposition to taxpayer bailouts for private, union run pension plans, especially on any upcoming spending bills. As you know, proposed “solutions” to the multiemployer pension crisis, such as the Butch Lewis Act and proposals offered by UPS and the NCCMP, would simply shift the burden of private pensions’ broken promises onto taxpayers who had no role in those promises.”

Additional Material:

[Heritage Research: Why Government Loans to Private Union Pensions Would Be Bailouts—and Could Cost Taxpayers More than Cash Bailouts](#)

[Heritage Research: How Big Is Your State’s Share of \\$6 Trillion in Unfunded Pension Liabilities?](#)