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H.R. 1625 – Consolidated Appropriations Act, 2018

Friday, March 23, 2018, finally saw resolution of the seemingly never-ending Fiscal Year (FY) 2018 appropriations process. Despite a veto threat earlier in the day that contradicted a statement from Office of Management and Budget (OMB) Director Mick Mulvaney on Thursday that the President would sign the massive spending measure, President Donald Trump signed the \$1.3 trillion omnibus appropriations package into law. The President's signature averted another partial government shutdown.

The 2,232-page spending measure finally made its much-anticipated debut late in the evening of March 21, 2018, and was passed by the House on Thursday, March 22, by a vote of 256-167. Senate action followed on Friday morning, with passage by a vote of 65-32.

The agreement provides \$177.1 billion in discretionary appropriations for agencies under the jurisdiction of the Labor-HHS-Education Appropriations Subcommittee, including the Social Security Administration (SSA). The full text of the omnibus is available [here](#), and the report for the Labor-HHS-Education bill can be found [here](#).

Provisions Related to SSA

The omnibus measure provides \$12.9 billion (\$12,868,945,000) for SSA's administrative budget [Total, Limitation on Administrative Expenses (LAE)]. This includes a \$480 million increase in the Regular, LAE level over the FY 2017 enacted funding level. The final FY 2018 funding level for SSA came as very welcome news as both the House and Senate Appropriations Committees had initially recommended significantly lower funding levels in their respective versions of the Labor-HHS-Education appropriations measure. The \$12.9 billion figure is much more in line with the \$13.042 billion that NCSMA and others had urged Congress to provide given the additional funds made available in the Balanced Budget Act (BBA) of 2018.

The \$480 million figure includes an increase for general operations, as well as designated amounts of \$280 million for Information Technology (IT) modernization and \$100 million for reducing the disability hearings backlog. Program integrity funding for FY 2018 is \$1.735 billion, a decrease of \$84 million from the FY 2017 enacted level as per the Budget Control Act (BCA). SSI user fee activities also see a decrease from FY 2017 to FY 2018, in the amount of \$8.0 million. The FY 2018 final bill vs. FY 2017 enacted funding level is a net increase of \$388 million. Again, a very welcome conclusion to an extended FY 2018 appropriations process.

Per the bill language, the \$280 million for IT modernization remains available until expended (often referred to as "no-year money") and may be used for "information technology modernization, including related hardware and software infrastructure and equipment, and for administrative expenses directly associated with information technology modernization." The \$100 million designated to reduce the disability hearings backlog will remain available through September 30, 2019, for "activities to address the disability hearings backlog within the Office of Hearings Operations." The \$1.735 billion in program integrity funding remains available through March 31, 2019.

The report accompanying the bill also contained several sections of language that should be of interest to NCCSSMA members, including:

Field Offices.-The agreement is concerned that SSA may be reducing resources for field offices and expects SSA to continue to support frontline operations. In fiscal year 2017, SSA field offices served approximately 42 million visitors, a five percent increase over fiscal year 2015. The high volume of visitors, combined with factors such as complex workloads, shortened public operating hours, and staff shortages, have led to increased wait times in both field offices and the National 800 number. SSA is directed to submit a report to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of enactment of this Act outlining its plan for ensuring that field offices, hearing offices, processing centers, and teleservice centers are receiving sufficient resources to maintain at least the current level of constituent services.

Field Office Closures.-There is significant concern about decisions to close field offices that may not be in accordance with law, regulations, and SSA procedures. These critical decisions must comply with Federal law, regulations, and procedures to account for the impact such actions will have on the community. The agreement notes that SSA's Inspector General (IG) is reviewing decisions to close field offices, including whether SSA followed internal procedures in proposing consolidation, notifying the public, and considering feedback from public input. While the IG review is ongoing, the Acting Commissioner should not make any final decisions related to field office locations under review. Further, the agreement encourages SSA to carefully consider and fully implement any IG recommendations that may result from such review.

Other provisions of interest in the Consolidated Appropriations Act include:

E-Verify

The spending bill also includes a 3-year reauthorization of the E-Verify program. The program remains voluntary, despite a consistent push by conservatives to make it mandatory. E-Verify was most recently a topic of debate in ongoing negotiations over the fate of so-called Dreamers protected from deportation by the Deferred Action for Childhood Arrivals (DACA). Conservatives including House Committee on Judiciary Chairman Robert W. Goodlatte (R-VA-6), had insisted on mandatory E-Verify as part of a deal offering Dreamers citizenship, but talks fell apart in February.

NICS Improvement Amendments Act of 2007

The spending bill also includes the "Fix NICS Act of 2018." We are continuing to research and check with sources to confirm the extent and reach of the NICS-related provisions included in the measure. Initial analysis of the measure does not seem to indicate that the provisions included in H.R. 5225, the "Strengthening the National Instant Criminal Background Check System Act of 2018," were included in the omnibus measure. H.R. 5225 seeks to reinstate the final rule issued by SSA titled, "Implementation of the NICS Improvement Amendments Act of 2007." H.R. 5225 was introduced on March 8, 2018, by Rep. Carolyn Maloney (D-NY-12) and Rep. Bill Pascrell (D-NJ-9). H.R. 5225 has been referred to the House Committee on Judiciary. We will provide updates as they become available.

H.R.4547 - Strengthening Protections for Social Security Beneficiaries Act of 2018

Friday, March 23, 2018, also included great news regarding H.R. 4547, the “Strengthening Protections for Social Security Beneficiaries Act of 2018.” **The Senate passed the legislation by Unanimous Consent (UC) and H.R. 4547 now awaits signature by the President.**

This legislation, introduced by Chairman Sam Johnson (R-TX-3) and Ranking Member John B. Larson (D-CT-1) of the House Subcommittee on Social Security, in December 2017, was strongly supported by NCSSMA at every step of the legislative process. The bipartisan legislation passed the House in February by a vote of 396-0. Final passage of H.R. 4547 represents the culmination of ongoing efforts by NCSSMA to work with Members of Congress, the Social Security Advisory Board (SSAB) and SSA to advance many of the changes to the representative payee program included in this bill. Of particular note, the legislation eliminates representative payee accountings for parents or other legal guardians of minor children who reside in the same household. The same provision will apply to a beneficiary’s spouse who is serving as their representative payee. The legislation also transitions reviews of representative payees from the field to the protection and advocacy system.

Holman Rule Renewed by House of Representatives

Last week also saw the extension of a rule that allows cuts to individual federal employees’ salaries and agency workforces. The “Holman Rule,” created in 1876 by Rep. Williams S. Holman (D-IN), allows floor amendments on the appropriations bills to target individual salaries or workforce levels. The Holman Rule was in order through the first session of the 115th Congress, and the new rule introduced last week extends it through the current second session. The House adopted the new rule on Tuesday, March 20, by a vote of 225-183.

Rep. Gerald E. Connolly (D-VA-11) labeled the provision as “nothing more than a backdoor way for Republicans to dismantle the federal workforce and carry out political vendettas at the expense of career civil servants.” NCSSMA, as part of the Federal-Postal Coalition (FPC), strongly urged Members of Congress to reject the extension of the Holman Rule.

NCSSMA TWITTER UPDATE!

We are pleased to announce NCSSMA now has a Twitter account and we encourage you to join in and follow us! You can view and follow our page on your **home computer** at <http://twitter.com/NCSSMAORG> or your **personal mobile device** at <https://mobile.twitter.com/NCSSMAORG>.

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