



TO: NACHSA Board of Directors

FROM: Rachel Mackey & Tom Joseph, NACHSA Washington Representatives

DATE: December 13, 2024

RE: Updated Post-Election Analysis

TABLE OF CONTENTS

EXECUTIVE SUMMARY	2
POLICY LEVERS FOR THE REPUBLICAN TRIFECTA	3
REGULATORY TOOLS & PRESIDENTIAL POWERS	3
LEGISLATIVE TOOLS.....	5
OUTLOOK FOR HEALTH AND HUMAN SERVICES PROGRAMS AND VULNERABLE POPULATIONS	6
IMMIGRATION	6
SOCIAL SAFETY NET	7
CHILD WELFARE.....	9

EXECUTIVE SUMMARY

The incoming Republican Trifecta will employ executive powers and legislative tools to dismantle Biden-era policies, implement new priorities, and reshape the federal government's regulatory and fiscal landscape. This memo includes an overview of the policy levers available to President-elect Trump and Congress and the outlook for health and human services programs and vulnerable populations. Immediate priorities will focus on immigration enforcement, entitlement program cuts, and deregulation, with broader impacts unfolding over time.

Regulatory Tools & Presidential Powers

- **Regulatory Freeze:** The Trump administration is expected to halt work on rulemaking in progress to align proposed regulations with its policy goals.
- **Executive Orders (EOs):** President-elect Trump will likely rescind most of Biden's 143 EOs, while issuing new EOs to set his agenda, particularly on tariffs and immigration. However, many of these will require further regulatory processes, congressional funding, and time for implementation.
- **Federal Workforce:** President-elect Trump intends to reintroduce "Schedule F," removing employment protections for certain civil service workers, and impose a federal hiring freeze. Legal challenges and operational disruptions are expected to slow implementation.
- **Federal Spending Cuts:** A new "Department of Government Efficiency" (DOGE), led by Elon Musk and Vivek Ramaswamy, aims to cut \$2 trillion from the budget. However, the president has limited tools at his disposal for unilateral spending cuts. Avenues such as requesting rescissions or even repealing the Impoundment Control Act, face significant legislative and legal hurdles—though they could delay disbursement of funds to critical programs.
- **Agency Rulemakings:** Trump's regulatory strategy includes a "10-out-1-in" rule aimed at accelerating deregulation. This process requires extensive cost-benefit analyses and public input, delaying its likely impact.

Legislative Tools

- **Congressional Review Act (CRA):** The CRA will be used to overturn Biden-era rules finalized after August 2024. Few major human services regulations fall within that category.
- **Budget Reconciliation:** Republicans plan to extend Trump-era tax cuts and enact border priorities through two rounds of budget reconciliation, a privileged process that requires just 51 votes in the Senate. This poses significant near-term threats to

Medicaid, SNAP, and other entitlement programs, which will likely be used to offset the cost of tax extenders.

Outlook for Health and Human Services Programs and Vulnerable Populations

- **Immigration:** Trump plans to immediately scale back humanitarian protections and intensify interior deportations, despite logistical challenges. Public charge rules may eventually be re-visited to discourage immigrants who are here legally from accessing social services.
- **Social Safety Net:** Reconciliation measures could introduce Medicaid block grants, stricter SNAP requirements, and cuts to TANF contingency funds. Proposed changes may disproportionately affect low-income adults. Reconciliation will also represent an opportunity to protect or expand the Child Tax Credit. While the administration may propose cuts to discretionary programs, these changes are unlikely to be included in a reconciliation package or gain enough support to clear Congress via the regular appropriations process.
- **Child Welfare:** LGBTQ+ foster youth protections enacted during the Biden administration may be rolled back, and we will likely see a renewed emphasis on partnerships with faith-based providers. We may have success working with the administration to revisit Family First Prevention Services Act provisions to expand prevention services and funding flexibility.

POLICY LEVERS FOR THE REPUBLICAN TRIFECTA

REGULATORY TOOLS & PRESIDENTIAL POWERS

President-elect Trump will immediately seek to advance his agenda using the Executive Branch tools at his disposal to both overturn/dismantle Biden-era administrative actions as well as set his own priorities into motion. Likely actions include:

Regulatory Freeze

Work on pending rules and RFIs will stop until the incoming administration has had a chance to review them. Consequently, the proposed ACF rule limiting TANF block grant expenditures will probably never be finalized.

Executive Orders

President-elect Trump is likely to rescind most if not all of President Biden's 143 EOs during his first days in office, especially those pertaining to climate policy, immigration, Artificial Intelligence, regulatory procedures, and racial equity. Trump is also likely to issue a series of EOs that signal his overall policy goals and direct federal agencies to begin taking action. Note that those agencies will often still need to initiate the formal regulatory process, undertake extensive reviews of policies and procedures, and sometimes even secure funding from Congress.

Attempts to Shrink the Federal Workforce

President-elect Trump has indicated that he will reinstate an Executive Order implementing "Schedule F," a policy aimed at recategorizing certain civil service employees so political appointees have greater discretion to fire them and hire their replacements. However, mass firing of civil servants could see legal challenges and create operational chaos and vacancies that threaten other components of the President-elect's agenda. And, while the federal government employs roughly 2.3 million civilian workers across the country; about 85 percent of those employees live outside the Washington metro area. The majority are also employed by the Departments of Defense (DOD) and Department of Veterans Affairs (VA). As in 2017, President-elect Trump may also initiate a federal hiring freeze.

Impounding Federal Dollars

President-elect Donald Trump has promised sweeping cuts to federal spending as part of his broader economic strategy. Central to these efforts is the newly proposed "Department of Government Efficiency" (DOGE) an advisory commission co-led by Trump loyalists Elon Musk and Vivek Ramaswamy that aims to identify and eliminate waste, fraud, and redundancy across federal programs. Elon Musk said DOGE would find ways to cut at least \$2 trillion from the \$6.75 trillion federal budget. However, DOGE is an advisory body that must work with Congress and the Office of Management and Budget (OMB) to ultimately use existing legislative and regulatory avenues to execute its recommendations.

While many of the ambitious recommendations likely to stem from the commission will require Congressional action or long-term rulemaking, one early strategy reportedly includes repealing the Impoundment Control Act of 1974, which places limits on the ability of the president to withhold appropriated funds without Congressional approval. That said, Congress is exceedingly unlikely to enact legislation diminishing its power of the purse. Should Trump attempt to challenge the law in court, it is unclear how successful he would be—though these actions could certainly delay critical funding from reaching programs in a timely fashion.

Agency Rulemakings

President-elect Trump has promised that for every rule his administration promulgates, they will eliminate ten existing regulations. However, the realities of the administrative state will almost certainly interfere with the realization of this goal. Any rules not subject to the Congressional Review Act (CRA) (see below for more detail) will require new cost benefit analyses, notice and public comment periods, and final deregulatory action. This process typically takes roughly one to two years, and even longer for complex rulemakings. As in the first Trump administration, any new rulemakings will also likely face frequent legal challenges—though officials charged with implementing Trump's regulatory policies may be better prepared to avoid legal challenges this time around.

Furthermore, the process for installing Cabinet heads and other senior leaders across federal agencies—many of whom are crucial for directing and implementing the president's regulatory

vision—may be time-consuming, particularly for controversial nominees. The Trump transition team was delayed in signing transition agreements and is estimated to be at least a month behind in that work.

LEGISLATIVE TOOLS

While Republicans will enjoy control of both chambers of Congress and the presidency, the narrow margins of their majorities in the House and Senate will serve as barriers to carrying out the Trump administration agenda via legislation. Instead, lawmakers will need to rely on procedural tools that bypass the 60 votes needed to avoid a Senate filibuster. Leadership will also be limited to moving legislation that enjoys the support of nearly every lawmaker in their party, a tall order in the House of Representatives, in particular. With three Republican vacancies that must be filled via special elections in the spring, Speaker Johnson will be unable to lose a single vote from his 217 members early in the session.

There are two major legislative tools that we expect to dominate the early 119th Congressional session:

Congressional Review Act

The Congressional Review Act (CRA) allows Congress to repeal rules from the previous Congressional session as long as they were finalized within the 60 days prior to its final adjournment. Senate CRA votes are privileged, meaning they only need a simple majority. Though we do not yet know when the 118th Congressional session will conclude, we expect the lookback to include any Biden administration rules finalized beginning in August. The CRA is a powerful tool, but it requires significant floor time and only allows consideration of a single regulation at a time.

The Biden administration finalized several significant regulations before May 2024 in an attempt to shield them from falling within the CRA lookback period. Human services rules that may be repealed include:

- [*Supporting the Head Start Workforce and Consistent Quality Programming*](#) (HHS)
- (USDA)
- [*Indian Child Welfare Act \(ICWA\) data elements for the Adoption and Foster Care Analysis and Reporting System*](#) (HHS)
- [*Employment and Training Services for Noncustodial Parents in the Child Support Program*](#) (HHS)

Budget Reconciliation

Budget reconciliation (or simply “reconciliation”) is a special congressional procedure that Congress can use to enact major deficit-increasing and deficit-reducing legislation because it requires just a simple majority to pass the Senate. Notably, reconciliation may not be used to directly affect the Social Security program, including its benefits or its taxes. Most recently, it has been the vehicle by which the Affordable Care Act (ACA), the 2017 Tax Cuts and Jobs Act (TCJA), the American Rescue Plan Act, and the Inflation Reduction Act were all enacted. Republicans are already beginning to develop priorities for two reconciliation packages in 2025 to extend soon-expiring tax cuts and other top party priorities around the border. However, intra-party agreements remain around what to prioritize for inclusion in an initial reconciliation package.

OUTLOOK FOR HEALTH AND HUMAN SERVICES PROGRAMS AND VULNERABLE POPULATIONS

With these legislative and regulatory levers in mind, here is what we expect to see across key health and human services issues.

IMMIGRATION

In the short term, President-elect Trump will almost certainly use the executive branch to carry out his sweeping commitment to reducing legal and illegal immigration.

Increased Interior Enforcement

In his first 100 days, President-elect Trump plans to begin the process of deporting hundreds of thousands of people, fulfilling a key campaign promise. However, finding, detaining, removing and deporting individuals who are not authorized to live in the U.S. is resource intensive and legally fraught. It remains to be seen how quickly the administration can scale up those efforts, even if they leverage a National Emergency to deploy the military for assistance. In the meantime, immigration advocates expect the administration to engage in high-profile workplace raids, partly with the goal of media coverage that encourages individuals to self-deport.

Reversal of Humanitarian Protections & DACA

President-elect Trump is expected to revoke or significantly scale back Temporary Protected Status (TPS), which offers qualifying individuals already in the U.S. work authorization and a temporary legal status to remain in the country if their home country is determined unsafe, as well as humanitarian parole, which allows citizens of other countries to enter the U.S. for urgent humanitarian reasons but does not offer work authorization. He will also likely reduce Refugee Resettlement admission targets.

The future of the Deferred Action for Child Arrivals (DACA) remains uncertain due to pending litigation, but Trump has indicated plans to eliminate the protections it offers for certain adults who were brought to the United States as children. If the pending court ruling finds the program unlawful, the administration is unlikely to appeal the decision, which would lead to over half a million DACA recipients losing protected status. The Trump administration will also

decline to defend a Biden era rule, currently under injunction in 19 states, that allows DACA recipients to purchase health coverage through the Affordable Care Act.

Chilling Effects on Access to Benefits

In the short term, heightened immigration enforcement may deter undocumented immigrants from accessing state-funded health care and other services. Federal civil rights and privacy laws, along with laws and regulations governing specific benefit programs, serve as guardrails to protect this information from being used for enforcement purposes. These protections limit inquiries about and collection of sensitive personal information, which information may be verified, and whether information about benefit applicants or recipients may be used or disclosed for purposes other than determining eligibility or administering the program. According to the National Immigration Law Center, federal laws protecting information about benefit recipients cannot be altered by an executive order. Absent any change in federal statute, state agencies are advised to decline any request for disclosure of information regarding a benefit recipient unless the request is consistent with these laws, the state plan approved for the program, and other federal regulations or guidance that flows from these federal statutes.

In the longer term, the Trump administration may revisit efforts to significantly expand the definition of Public Charge—a term used in U.S. immigration law to refer to a person in the country legally who is likely to become primarily dependent on government assistance, which can affect their eligibility for a green card, visa, or adjustment in status. Regulations finalized by the Trump Administration in 2019 updated determinations of public charge to include previously excluded health, nutrition, and housing programs. That rule had chilling effects on program participation far beyond the targeted population, even after its eventual reversal under the Biden administration.

During Trump's first term, his administration also floated a ban on federal housing assistance to families with any undocumented members — including those with U.S. citizen children. The rule, never implemented, would have broken with current policy allowing mixed-status families to receive pro-rated assistance based on the number of family members who are eligible.

SOCIAL SAFETY NET

Cuts to Mandatory Benefits Programs

In the short term, the forthcoming budget reconciliation package represents the most significant threat to entitlement programs such as the Supplemental Nutrition Assistance Program (SNAP) and Medicaid. President-elect Trump and Republican lawmakers are considering cuts to these programs as a potential offset for the enormous cost of extending the 2017 Tax Cuts and Jobs Act (TCJA) and desired action to increase border spending.

- **Medicaid:** While specifics are few and far between, Republican lawmakers have publicly indicated interest in block-granting Medicaid, installing per-capita cuts or adding work requirements to the program. Congress could achieve federal Medicaid savings for a reconciliation via a number of options, including: providing states with a per-capita payment for different populations the state serves: phasing down the 90 percent federal Affordable Care Act match for eligible single individuals to the traditional federal –state match; instituting work requirements via statute or state waivers; and/or reducing the overall federal match below 50 percent. Additionally, the Trump administration’s waiver priorities for Medicaid in the first term focused on tying health coverage to work requirements, and we may see a renewed focus on that effort beyond reconciliation.
- **SNAP:** GOP lawmakers have also expressed interest in cutting SNAP to pay for tax cuts, including limiting the ability of USDA to update the Thrifty Food Plan (TFP), which informs the formula underlying SNAP benefit amounts, unless it is cost neutral. That provision, included in the House and Senate Republican farm bill drafts, was estimated by CBO to yield \$30 billion in savings over 10 years by preventing the use of TFP for future SNAP benefit increases. Republicans will also target SNAP provisions around categorical eligibility and further ABWAD restrictions. Changes to SNAP will also be on the table as lawmakers resume negotiations to reauthorize the Farm Bill after working to pass a one-year extension. However, because a farm bill must pass with 60 votes in the Senate, it is less likely that major changes to eligibility and work requirements can be accomplished through that vehicle.
- **TANF:** Lawmakers have not spoken publicly about whether they intend to use TANF to fund reconciliation. Because TANF is a block grant, programmatic and eligibility changes would not impact overall federal spending and be unlikely to feature heavily in a reconciliation package. During his first term, then-President Trump did propose eliminating the TANF contingency fund, which states can draw upon during periods of economic distress. In the longer term, the Administration may take a closer look at the TANF reserve funds many states retain in their budgets. However, efforts to fundamentally overhaul TANF may be minimal given bipartisan support for the Fiscal Responsibility Act (FRA) pilots currently underway to test alternative metrics for work outcomes.

Changes to the Child Tax Credit

Budget reconciliation will also represent an opportunity to extend the TCJA’s changes to the Child Tax Credit (CTC), inform its current structure. While anti-poverty advocates will urge Congress to restore the temporary CTC expansion authorized by the American Rescue Plan Act of 2021, which increased the size and availability of the credit even further and drastically reduced child poverty levels, Republicans have expressed little appetite to embrace those changes long term. If cuts to entitlement programs feature heavily in a reconciliation package, the CTC will do little to make up for the loss in benefits. Additionally, there may be efforts to

further restrict access to the CTC among mixed-status households by preventing adults with Individual Taxpayer Identification Numbers (ITINs) from claiming the CTC on behalf of their U.S. citizen children.

Child Care Assistance

In March 2024, the Biden administration finalized a rule on affordability in the Child Care and Development Fund (CCDF) program that instructs state agencies to cap co-payment costs for families receiving child care subsidies at no more than 7 percent of household income. Other provisions of the regulation included prospective payments to providers, reimbursement based on enrollment rather than attendance, and suggestions for streamlined enrollment and eligibility processes. Absent new federal funding, states would likely need to budget new funding to implement these changes. It is worth noting that under Trump, we may see components rolled back via the rulemaking process, but the timeline for such action is uncertain.

Discretionary Programs

In his first term, then-President Trump proposed deep cuts across a variety of assistance programs funded on the discretionary side of the ledger. However, non-defense discretionary spending represents just 14 percent of the federal budget. While we may see proposals to cut the Workforce Investment and Opportunity Act, the Community Services Block Grant, Child Care and Development Block Grant, Low-Income Home Energy Assistance, Older Americans Act programs, child welfare prevention and Social Services Block Grant, those changes would require action by Congress via the regular appropriations process.

CHILD WELFARE

The incoming administration will likely focus on reversing any Biden policy or program which highlights LGBTQ+ foster youth. Those efforts, however, would likely be via the regulatory or guidance route, including giving faith-based organizations the ability to choose which populations it would serve without losing federal financial support.

Later in the new Administration, there may be efforts to revisit the Family First Prevention Services Act (FFPSA). The first Trump administration proposed loosening up the Qualified Residential Treatment Program's (QRT) Institution for Mental Disease (IMD) exclusion. The first Trump administration was also open to expanding the list of prevention services that could be reimbursed under FFPSA.