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Policy Update: August 2018

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Spotlight on the SRCD Policy Fellow

Rachel McKinnon, Ph.D., is an SRCD Congressional Fellow just completing her placement in the office of Senator Bob Casey (D-PA). Click here to learn more about her work in Congress, including her work related to the reauthorization of the Carl D. Perkins Career and Technical Education Act.

Legislative Branch Updates

FY19 Appropriations: Senate Passes Spending Package Combining Labor-HHS-ED and Defense Bills

On August 23, the Senate passed H.R. 6157, a $856.9 billion spending package to fund the departments of Defense, Labor, Health and Human Services, and Education for fiscal year 2019. The package passed on an 85-7 vote. Lawmakers filed over 200 amendments on the large spending package, which makes up the majority of FY19 discretionary spending, but only a few dozen noncontroversial amendments made it into the final bill, such as an amendment that would provide an extra $10 million for mental health programs in schools.

The bill allocates $179.3 billion for the Labor-HHS-ED portion of the package, with the rest of the funding going to defense. Passage of this legislation marks the first time that the Senate has passed a Labor-HHS-ED funding bill outside of an omnibus or continuing resolution since 2007. The Senate bill contains $90.1 billion for the Department of Health and Human Services, $71.4 billion for the Department of Education, and $12.1 billion for the Department of Labor. These topline numbers remain unchanged from coverage of the Appropriations Committee markup in last month's Policy Update and the committee report. Chairman of the Senate Appropriations Committee, Richard Shelby (R-AL), released a statement noting that the Senate has now passed nine appropriations bills prior to the end of August, something that has not happened since 1999. In a press release, Senator Shelby said "We collectively called earlier this year for a return to regular order in the appropriations process because it was broken, and the leaders on both sides – Senator McConnell and Senator Schumer – provided us the opportunity to follow through. I want to thank both of them for their leadership. I believe that we in the Senate are demonstrating that they made the right call. I also want to thank Vice Chairman Leahy, Senator Durbin, Senator Blunt, and Senator Murray. Their diligence and commitment to working in a bipartisan manner have been essential in passing these bills."

There is, however, still uncertainty as to whether this bill will be signed into law. The House of Representatives passed its defense appropriations bill in June but has not yet brought its Labor-HHS-ED bill to the House floor. The Senate-passed package goes next to conference for the House and Senate to resolve differences. Chairman Shelby stated, "We'd like to go to conference as soon as we can with the House with the bills coupled together," indicating the Senate's desire to move the conference process along quickly, as the start of FY19 is rapidly approaching.

Career and Technical Education Legislation Signed Into Law

On July 31, the president signed H.R. 2353, the Strengthening Career and Technical Education for the 21st Century Act, into law. The bill amends the Carl D. Perkins Career and Technical Education Act of 2006 ("Perkins Act") and reauthorizes federal career and technical education programs that provide grants to

states through 2024. The legislation authorizes $1.2 billion in FY19 for career and technical education (CTE) and incrementally increases the annual authorization to $1.3 billion by fiscal year 2024. Although this reauthorization largely maintains the current structure of federal CTE programs, it also includes provisions to modernize programs and increase flexibility for states and localities. The legislation also changes the stated objectives of the program to include increasing employment opportunities for chronically unemployed "special populations," including homeless individuals, individuals with disabilities, and foster youth or those who have aged out of the foster care system.

House Subcommittee Hearing on Implementation of the Family First Prevention Services Act

On July 24, the Human Resources Subcommittee of the House Committee on Ways and Means held a hearing entitled "The Opioid Crisis: Implementation of the Family First Prevention Services Act (FFPSA)." Subcommittee Chairman Adrian Smith (R-NE) opened by stating that through the Family First Prevention Services Act (FFPSA), Congress "wanted to reset the incentives and focus resources earlier with upfront prevention services for substance abuse, mental health, and parenting for all families so fewer children would have to experience additional trauma of being removed from his or her home." He emphasized that the purpose of this subcommittee hearing was to discuss the implementation of FFPSA so far. Subcommittee Ranking Member Danny Davis (D-IL) followed by noting that the foster care system has "historically provided help only when it was too late to keep families together," stating his personal commitment to making sure the "new federal funding for kinship navigators provides services to all grand-families that need them and that states update policies to involve and support kin."

Jerry Milner, Associate Commissioner of the Children's Bureau, Acting Commissioner of the Administration on Children, Youth and Families, and lead policy officer of FFPSA was the hearing's only witness. In his testimony, he described progress on implementation plans for FFPSA and further elaborated on this during the questioning that followed. More specifically, Milner discussed: work to create a clearinghouse that will be responsible for identifying evidence-based interventions that states can implement in order to qualify for reimbursements; plans to maintain flexibility for states by not further defining key concepts (e.g., "candidate for care") beyond how they are defined in the original legislation; and plans to host several listening sessions across the nation to solicit and answer questions from state and local officials. Milner also acknowledged challenges the Children's Bureau is working to address, such as: the limited availability of an array of evidence-based prevention services; the high upfront cost of implementing a new evidence-based program; navigating state systems that already receive title IV-E waivers and how FFPSA may change these funding

streams; and the requirement for service providers to be accredited in order to be reimbursed. Click here to watch the full hearing and read witness testimony.

Senate Committee Hearing on Oversight of Immigration Enforcement and Family Reunification Efforts

On July 31, the Senate Committee on the Judiciary held a hearing entitled "Oversight of Immigration Enforcement and Family Reunification Efforts." Committee Chairman Chuck Grassley (R-IA) opened by stating the purpose of the hearing, noting that "originally, this hearing was solely going to be focused on our annual oversight of U.S. Immigration and Customs Enforcement (ICE). However, it quickly became evident that more oversight of the Administration's entire family separation and reunification efforts was needed." Senator Grassley stated that the separation of more than 2,500 undocumented immigrant children from their parents was an "unintended consequence" of the Administration's zero tolerance policy. He further noted that at the time of this hearing, nearly 1/3 of these children (over 700) remained in government custody and were "unable to be reunited with their parents" for various reasons. Senator Grassley also noted that "if families and children are going to be kept in federal custody, they must be kept in facilities where they will be treated humanely," and closed his remarks by stating that current reports indicate that the federal government is "failing miserably" at the task of treating detained individuals with basic dignity.

Ranking Member Dianne Feinstein (D-CA) opened her statement by calling family separation a "deeply immoral and haphazard policy" that "fundamentally betrays American values" and may "essentially orphan hundreds of immigrant children." She further noted that 431 children "remain alone in the United States because their parents have already been deported" and that "shockingly, the government does not even know who or where the parents are for 94 children." Senators John Cornyn (R-TX) and Dick Durbin (D-IL) were then given the chance to give brief opening remarks, as they serve as the Chair and Ranking Member of the Judiciary Committee's Immigration Subcommittee. Senator Cornyn's opening statement noted that "family separation at the border is not a new issue." He also described the detention facilities that he had personally visited as "well managed." Senator Durbin referred to the policy as "government sanctioned child abuse" and noted that we know from medical experts that "even short-term separation and detention can do permanent damage to a child." He continued, stating "we can have border security without bullying. We can be safe without treating toddlers as terrorists."

Witnesses from multiple federal agencies related to immigration enforcement and family separation then provided testimony. Witnesses included: Carla L. Provost, Acting Chief, U.S. Border Patrol, U.S. Customs and

Border Protection, Department of Homeland Security; Matthew Albence, Executive Associate Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Commander Jonathan D. White, Ph.D., LCSW-C, CPH, U.S. Public Health Service Commissioned Corps; James R. McHenry III, Director, Executive Office for Immigration Review, Department of Justice; and Jennifer Higgins, Associate Director, Refugee, Asylum and International Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security. Click here to watch the full hearing and read witness testimonies.

Senate Subcommittee Hearing on Protecting Unaccompanied Children from Trafficking and Abuse

On August 16, the Permanent Subcommittee on Investigations of the Senate Committee on Homeland Security and Governmental Affairs held a hearing entitled "Oversight of Efforts to Protect Unaccompanied Alien Children (UAC) from Human Trafficking and Abuse." Subcommittee Chairman Rob Portman (R-OH) opened the hearing by expressing concern that despite having "seen examples of children placed with sponsors being trafficked" since 2015, "federal agencies have failed to address most of the recommendations for improving the UAC program offered by this Subcommittee and the Government Accountability Office. We need to know why." He also discussed the Joint Concept of Operations (JCO), a document completed by the Department of Homeland Security (DHS) and the Department of Health and Human Services (HHS) on July 31, which documents these agencies' processes related to unaccompanied migrant children. However, he criticized the document by noting, "the JCO largely reiterates the status quo, and does little to improve unaccompanied children's safety and ensure UACs show up to their immigration court proceedings."

Subcommittee Ranking Member Tom Carper (D-DE) followed by acknowledging a few positive policy changes that have been made, such as background checks for all sponsors and a required follow-up within 30 days once a child has been placed with a sponsor. However, he also expressed concerns, stating, "to my surprise and bewilderment, HHS still does not acknowledge its role in ensuring the wellbeing of unaccompanied migrant children despite what I see as a clear mandate from Congress." During the questioning, multiple Senators from both parties expressed their frustration with the lack of accountability and responsibility taken by federal agencies to ensure the safety and well-being of these children, including Senator Heitkamp (D-ND) who said, "I'm frustrated and I think you hear the frustration here because what we hear is…'See no evil. We're not going to pay any attention to what happens to these kids afterwards and if they don't show up, well, you know that's just the way it is.'"

Witnesses from multiple federal agencies related to care of unaccompanied migrant children provided testimony. Witnesses included: Richard M. Hudson, Acting Chief, Law Enforcement Operations Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Robert Guadian, Acting Deputy Assistant Director for Field Operations West, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security; Commander Jonathan D. White, U.S. Public Health Service Commissioned Corps, Federal Health Coordinating Official for the 2018 UAC Reunification Effort, U.S. Department of Health and Human Services; and James R. McHenry, Director, Executive Office for Immigration Review, U.S. Department of Justice. Click here to watch the full hearing and read witness testimonies and member statements. The Permanent Subcommittee on Investigations also recently released a report on this issue.

Senate Committee Hearing on Science and Stewardship at NIH

On August 23, the Senate Health, Education, Labor and Pensions (HELP) Committee held a hearing entitled "Prioritizing Cures: Science and Stewardship at the National Institutes of Health." Chairman Lamar Alexander (R-TN) opened the hearing by noting that the Appropriations Committee is on track to provide record funding for the National Institutes of Health (NIH) for the 4th year in a row, stating "Congress will have increased funding for the National Institutes of Health by $9 billion since 2015, a 30% increase" if the FY19 appropriations bill is signed into law. Senator Alexander also used his opening statement to recap some of the "ten bold predictions" that Dr. Francis Collins, Director of NIH, offered in a previous hearing about what could be achieved in the next ten years with continued robust investment in biomedical research, which included, among others: the development of new vaccines, such as a universal flu vaccine; the development of non-addictive pain medication; and significant progress in the field of precision medicine. Senator Michael Bennet (D-CO) then offered brief opening remarks, stating that "in the last few decades we've seen exponential advancements in medical research. The research community has developed cures and maintenance treatments for serious illnesses that used to be a death sentence" and praised the 21st Century Cures Act for including "monumental policies to advance medical research."

Dr. Collins then provided testimony, noting "NIH is built on the bedrock principles of scientific excellence, unassailable integrity, and fair competition. NIH's commitment to these principles is unwavering." He then outlined five "keys to success" in science today in order to foster the next generation of scientific discovery, which included: a stable trajectory of financial support for research, a vibrant workforce, computational power, new technologies and facilities, and scientific inspiration. He concluded his testimony by stating that

he is “proud to lead NIH at this time of unprecedented scientific opportunity and strong congressional support. The resources you have entrusted to us will be used to bring hope to untold numbers of patients and their families.”

During the questioning portion of the hearing, several topics related to children and youth were addressed, including pediatric-specific research and clinical trials, and the impact of technology on children’s development. Dr. Francis Collins provided the only formal testimony. Institute Directors in attendance to answer questions from the HELP Committee included: Dr. Diana Bianchi, Director, National Institute of Child Health and Human Development; Dr. Anthony Fauci, Director, National Institute of Allergy and Infectious Diseases; Dr. Richard Hodes, Director, National Institute on Aging; and Dr. Ned Sharpless, Director, National Cancer Institute. Click here to watch the full hearing and read Dr. Collins’ testimony.

Executive Branch Updates

NIH Request for Information on Clinical Trials Definition

SRCD members are urged to respond to a Request for Information (RFI) issued by NIH regarding its clinical trials definition and policy. By way of background, in March 2018, the U.S. Congress charged NIH with responding to the behavioral science community’s concerns regarding its decision to treat all behavioral science interventions as clinical trials. Leaders from multiple research associations, including SRCD, urged NIH to invite researcher comments regarding the overly inclusive definition of a clinical trial. The Request for Information is a formal mechanism in the U.S. Government that invites constituents to weigh in on planned changes to federal policies. SRCD is drafting a formal response as an organization that will be shared with membership and anticipates signing on to letters by the Federation of Associations of Behavioral and Brain Sciences (FABBS) and the Consortium of Social Science Associations (COSSA). SRCD is a member of both organizations. In addition to SRCD’s response to the RFI on behalf of the association, individual members of SRCD are encouraged to submit a comment as well. Further background and guidance for members considering submitting individual responses is available in this message to SRCD members from Laura Namy, Executive Director of SRCD.

Full Implementation of Revised Common Rule Delayed by Six Months

The Office of Human Research Protections (OHRP) in the U.S. Department of Health and Human Services has announced a delay in the full implementation of the revised Common Rule, the regulations related to research involving human subjects. The new date for compliance with most of the new regulations is January 21, 2019. However, institutions may choose to adopt three provisions early (beginning July 29, 2018) as long as they move into full compliance with the regulations on January 21st. These three provisions are seen as “burden reducing” and focus on the revised definition of research, elimination of required annual continuing review for some categories of research, and elimination of the requirement for Institutional Review Boards to review grant applications or funding proposals related to the research. For further details on the delay in full implementation of the revised Common Rule, including a contrast of the three burden-reducing provisions with the current Rule provisions, see overviews provided by the Consortium of Social Science Associations (COSSA) here.

Dr. Karen Marrongelle Selected to Head NSF's Education and Human Resources Directorate

On August 21, the National Science Foundation (NSF) announced that Dr. Karen Marrongelle has been selected to head its Directorate for Education and Human Resources (EHR) beginning on October 1. Dr. Margonelle has been dean of the College of Liberal Arts and Sciences at Portland State University since 2014. From 2001 on, she also served as a professor of mathematics and statistics at Portland State University. Between 2007 and 2009 she was a program director in the Division on Research and Learning at the EHR. The EHR Directorate at NSF supports research on teaching and learning with a particular emphasis on STEM (science, technology, engineering and mathematics) education. In announcing the appointment, NSF Director France Córdova noted that "Karen Marrongelle comes to NSF with a comprehensive understanding of how EHR works to enhance STEM education through all means possible, particularly through research. Her work in statewide higher education policy will help EHR make smart, targeted investments. And her vision for large-scale transformative efforts that unite academia, government and the private sector will help NSF continue its work to enhance STEM education."

Federal Reports and Requests

Reports

New Reports and Briefs from the Office of Planning, Research and Evaluation

Several new publications are available from the Office of Planning, Research and Evaluation (OPRE), Administration for Children and Families (ACF), U.S. Department of Health and Human Services:

(1) Measuring Employment Outcomes in TANF This report offers information and insights to help policymakers and stakeholders understand the challenges of and opportunities for measuring employment outcomes of participants in the Temporary Assistance for Needy Families (TANF) program.

(2) A Portrait of American Indian and Alaska Native Children and Families This brief summarizes findings from a project that used existing data to create a national picture of the American Indian and Alaska Native (AI/AN) population of young children and their families, and their access to and participation in early childhood services using the 2010–2014 American Community Survey.

(3) Employment of Families Experiencing Homelessness This brief explores the employment and income of families during a stay in an emergency shelter and over the following three years as their employment rates and income levels evolve over time.

(4) Health Profession Opportunity Grants (HPOG) 2.0: Year Two Annual Report (2016–17) This annual report summarizes the status of the HPOG 2.0 Program after the second year—a grant program for organizations that provide education and training to Temporary Assistance for Needy Families (TANF) recipients and other low-income individuals for healthcare occupations.

(5) Housing for Young Adults in Extended Federally Funded Foster Care This brief addresses the gaps in knowledge of best practices for housing young adults in extended care, of the housing options currently available to those young adults, and of how those options vary across and within states.

(6) Enhancing a Home Visiting Program to Address Repeat Adolescent Pregnancy: The Early Impacts of Steps to Success This report presents evidence on the Steps to Success home visiting program's interim impacts, measured about one year into the two-year program.

(7) Using Behavioral Insights to Increase Participation in Social Services Programs: A Case Study This case study intends to help practitioners, graduate students, and undergraduate students practice applying a behavioral diagnosis and design methodology to a real-world challenge.

New Reports and Briefs from the Office of the Assistant Secretary for Planning and Evaluation

Several new publications are available from the Office of the Assistant Secretary for Planning and Evaluation (ASPE), U.S. Department of Health and Human Services:

(1) An Overview of Long-Term Services and Supports and Medicaid: Final Report This report examines the role of formal long-term services supports (LTSS) in Medicaid, sociodemographic changes to affect demand for LTSS and resulting Medicaid use and expenditures.

(2) State and Local Policy Levers for Increasing Treatment and Recovery Capacity to Address the Opioid Epidemic: Final Report This report summarizes financing and workforce policies that can be used by states to expand treatment access and capacity for opioid use disorder (OUD), focusing especially on medication-assisted treatment (MAT).

(3) Examining Substance Use Disorder Treatment Demand and Provider Capacity in a Changing Health Care System: Final Report This report presents findings of a study to better understand how federal policies implemented in the past decade which promoted insurance coverage of substance use disorder treatment changed demand for treatment.

New Reports from the Institute of Education Sciences

Several new reports are available from the National Center for Education Statistics, Institute of Education Sciences (IES), Department of Education:

(1) Literacy and Numeracy Skills of U.S. Men and Women This Data Point examines the literacy and numeracy skills of U.S. men and women ages 16–65.

(2) Principal Attrition and Mobility: Results From the 2016-2017 Principal Follow-up Survey This First Look presents selected findings from the Public School Principal Status Data File of the 2016-17 Principal Follow-up Survey (PFS) and introduces new data through tables containing descriptive information.

Federal Funding Opportunities

This month’s FFO highlights a National Endowment for the Arts' Office of Research & Analysis opportunity to support research that investigates the value and/or impact of the arts, either as individual components of the U.S. arts ecology or as they interact with each other and/or with other domains of American life. Research: Art Works offers support for projects in two areas. Track one seeks research projects that aim to

examine the value and/or impact of the arts in any topic area(s) by using data and methods appropriate to the proposed research questions. Track two seeks research projects that aim to test the causal or inferred-causal impact of the arts on individual or cohort outcomes by using experimental or quasi-experimental design methods appropriate to the proposed research questions. This track is only for projects relying primarily on experimental or quasi-experimental research methods. Completed applications are due on October 9, 2018. Click here to read about this and other funding opportunities.