

Fall 2019 Unified Agenda Highlights

Department of Education (ED)

[Proposed rule](#) to reduce or eliminate unnecessary burdens to and restrictions on religious entities to participate in higher education (expected any time).

[Proposed rule](#) designed to weaken the Department’s provisions regarding significant disproportionality in the identification, placement, and discipline of students with disabilities with regard to race and ethnicity (expected March 2020).

[Final rule](#) governing how colleges respond to incidents of sexual assault and harassment under Title IX (expected any time).

Department of Health and Human Services (HHS)

- [Proposed rule](#) eliminating prohibitions against discrimination based on sexual orientation, gender identity, sex, or religion in programs funded by HHS. **This rule is [open for comment](#) through December 19.**
- [Proposal](#) establishing notice and payments parameters for insurers offering plans on the exchanges (expected September 2020). Could include proposal requiring those offering abortion coverage to offer mirror plans excluding such coverage that was not finalized last year.
- Finalizing a [rule](#) eliminating nondiscrimination protections for transgender patients and those who have had an abortion found in Section 1557 of the Affordable Care Act (expected February 2020).
- [Proposal](#) to remove “outdated” provisions and requirements of the Refugee Resettlement Program (expected November 2019).
- Finalizing a [rule](#) requiring insurers who offer abortion coverage beyond rape, incest, or life endangerment to send two separate bills: one for abortion coverage and one for coverage of all other health services.
- Finalizing a [rule](#) implementing Violence Against Women Reauthorization Act of 2013 requirement to adopt national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of unaccompanied alien children (expected February 2020).

Department of Homeland Security (DHS)

- Proposed [rule](#) to increase the citizenship application fee to \$1,170, eliminate most fee waivers, and raise fees for Deferred Action for Childhood Arrivals (DACA), affirmative asylum, [Special Immigrant Juveniles](#), and other applicants. It would also allow fee collections to fund Immigration and Customs Enforcement (ICE) to the tune of more than \$200 million. **This rule is [open for comment](#) through December 16.**

- Proposed [rule](#) that would require asylum seekers to [wait](#) 365 days from the date they requested asylum before applying for work authorization. It would also deny work permits to asylum seekers who enter the US between official ports of entry **This rule is [open for comment](#) through January 13.**
- **A series of joint proposed & interim final rules between the Departments of Homeland Security and Justice that would:**
 - [Deny](#) asylum to migrants who enter the US between official ports of entry at the southern border (currently [blocked by the courts](#), but open for comment through January 8, 2020).
 - [Amend](#) asylum eligibility and remove regulations governing the automatic reconsideration of asylum denials (expected any time).
 - [Change regulations](#) governing the standards and procedures for making credible and reasonable fear determinations for asylum seekers (expected any time).
 - [Alter](#) asylum applications and amend the reasonable fear determination process to “tack frivolousness in the asylum caseload” (expected December 2019).
 - [Update](#) sponsorship requirements to “better ensure a sponsor has the assets and resources to support the intended immigrant” (expected January 2020). Sponsors are required for most family-based and some employment-based immigration.
 - Deny asylum to migrants who passed through a [third country](#) on their way to the US. This was an interim final rule (meaning it went into effect immediately) that is currently [blocked by the courts](#).
- Proposed rules to [expand biometric tracking](#) to minors and include data beyond fingerprints (expected January 2020) and collect it from [citizens](#) (expected July 2020).
- Proposal to [rescind](#) an Obama-era rule that authorized spouses of people with specific immigrant visas to work (expected March 2020).
- An [interim final rule](#) (meaning it goes into effect immediately) expected in December 2019 to collect biometric data from immigrants and visitors entering and departing the country.

Department of Housing and Urban Development (HUD)

- Proposed [rule](#) to rescind an Obama-era regulation affirmatively furthering fair housing (expected December 2019).
- [Proposal](#) to make it easier for transgender people to be turned away from homeless shelters (expected December 2019).
- [Final rule](#) expected in April 2020 that would weaken the department’s nondiscrimination provisions by excluding discriminatory effects “not motivated by discriminatory intent.”

- [Final rule](#) expected in May 2020 implementing a ban on “mixed-status” families — comprised of household members who are both eligible and ineligible for federal housing assistance — from living in public housing and Section 8 programs, even though assistance is already prorated, or decreased, to exclude ineligible members.

Department of Justice (DOJ)

- Proposed [rule](#) making it harder for legal permanent residents to get citizenship if they are deemed a “public charge,” punishing those who access certain government benefits, including Medicaid, housing assistance, and food assistance (expected any time).
- Broadly written proposals to [change asylum eligibility](#) and [amend](#) the regulations governing asylum (expected any time).
- Proposed [rule](#) that would limit the discretion of immigration judges with regards to expedited removal (expected any time).
- Proposed [rule](#) to amend existing regulations and add “new special procedures” for unaccompanied migrant children in asylum interviews and in proceedings before immigration judges (expected December 2019).
- [Proposal](#) expected in January 2020 making it easier for the Attorney General to refer immigration court cases to himself for judgment.
- [Final rule](#) expected in January 2020 to collect DNA from [all immigrants](#) crossing the border.

Department of Labor (DOL)

- Proposed [rule](#) to pool tipped workers’ wages to bring existing regulations in line with recent legislation. **This rule is [open for comment](#) until December 9.**
- Proposed [rule](#) that may make it easier for employers to avoid paying overtime to their employees whose schedules fluctuate week to week. **This rule is [open for comment](#) until December 5.**
- [Request for information](#) on updating the regulations enforcing the Family and Medical Leave Act (FMLA), expected any time.
- [Final rule](#) expected in March 2020 that would make it easier for federal contractors to discriminate in hiring based on religion.

Department of State (State)

- An [interim final rule](#) (meaning it goes into effect immediately) expected any time making it harder for potential immigrants and visitors to the US to get a visa if they are deemed a “public charge,” punishing those who access certain government benefits, including Medicaid, housing assistance, and food assistance.