



# COALITION ON HUMAN NEEDS

## *The Human Needs Report*

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Congress has been in session for just over a month now, and the Trump Administration is just a couple of weeks old. Here's a look at what they've been up to – and how advocates have responded – in what's been a busy beginning of the year.

### **Efforts to Repeal Affordable Care Act Miss First Deadline but Still Push Forward**

Within hours of taking the oath of office, President Trump took steps to continue the GOP's pledge to repeal the Affordable Care Act. His Republican counterparts on Capitol Hill, however, missed their first self-imposed deadline on passing legislation to do so.

President Trump signed an [executive order](#) calling for “minimizing the economic burden” of the Affordable Care Act. According to [Politico](#), federal agencies could use the order to stop enforcing the

individual mandate, but many don't believe the Administration will take such measures in the immediate future for fear it will undermine the insurance market before GOP plans for a repeal and replacement are worked out.

Thanks to pressure from advocates, more and more Republicans are now saying that a replacement health plan should be offered at the same time as repeal legislation, or that multiple bills to replace parts of the ACA could be moved on a piecemeal basis. This may be one reason why the four committees that have jurisdiction over health policy – two in the House and two in the Senate – missed the Jan. 27 deadline to draft portions of a repeal bill. The Jan. 27 deadline was put in place by the [budget resolution](#) Congress passed in mid-January but was nonbinding.

Once drafted, these portions will then likely be combined into a final piece known as a [reconciliation](#) bill, which would also only need a simple majority to pass the Senate (for more information on reconciliation, see [this blog](#) from the Center on Budget and Policy Priorities). If Congress goes with a reconciliation bill, [it's widely expected](#) that it would eliminate the billions of dollars provided to the states that have chosen to expand Medicaid eligibility, and repeal the subsidies that help lower-income individuals afford insurance through the exchanges.

Congress is under pressure by insurers to settle on repeal and replace legislation by March or April, and there have been plans by the relevant committees to complete their work by late February in order to meet this deadline. They would like Rep. Tom Price (R-GA) to be confirmed as Secretary of the Department of Health and Human Services in order to develop the replacement plan; his confirmation vote may take place as early as this week. However, President Trump [said](#) on Feb. 5 that the repealing and replacing the ACA could take until next year, underscoring the uncertainty of the timing.

The specifics of what a replacement plan may look like have not yet been released, though CQ reported that it is likely to do away with all or most of the taxes that finance the law, similar to the GOP's attempt to repeal the ACA in 2015. Two alternative replacement plans were introduced by Senate Republicans, [one](#) by Sens. Bill Cassidy (R-LA) and Susan Collins (R-ME) and [one](#) by Sen. Rand Paul (R-KY); neither are expected to move forward, but they may influence the final replacement plan. According to the [Center on Budget and Policy Priorities](#), the Cassidy-Collins bill "would likely leave many millions who now rely on ACA health coverage, especially those with low incomes and pre-existing health conditions, uninsured or going without needed care." CBPP also put together a "[False Promises Primer](#)" matrix that lists what the various GOP health proposals do, what they'll say, and how they differ from and fall short of the ACA. [The Hill](#) reported that the House Energy and Commerce Committee is considering a measure that would prohibit insurance companies from denying coverage to those with pre-existing conditions but would not limit what insurers can charge, and another measure that would increase how much older people could be charged compared to younger people.

Advocates contend that Members of Congress who vote to repeal the ACA with no plan in place to assure continued coverage, or a plan that reduces benefits or increases costs, are willing to put millions of people's health and lives in peril. If all Democrats remain unified, the defection of three Republican Senators would defeat specific ACA replacement plans. For more information on the FY 2017 budget

resolution that set repeal efforts in motion, see the [Jan. 17 Human Needs Report](#).

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## **Advocates Rally against Refugee Halt and Travel Bans from 7 Muslim Nations; Court Rulings Temporarily Overturn Trump Orders**

Advocates across the country responded with outrage and concern to President Trump's executive order effectively banning Muslims from seven countries from entering the U.S. and suspending the refugee resettlement program. Protests were held at airports and other public places, and the Twitter feeds, phone lines, and email boxes of the Trump Administration and members of Congress were flooded with calls to rescind the ban, seen as unconstitutional and un-American. The National Immigration Law Center, a member of CHN, was one of a number of civil rights groups that filed a [legal challenge](#) to the executive order that led to quick court decisions to stay the removal of travelers caught up in the order's enforcement. On February 3, Judge James Robart of the Federal District Court in Seattle reversed the President's order nationwide both for refugees and for immigrants from the seven predominantly Muslim nations. The next day, the Trump Administration sought to appeal the ruling, but its attempt to have it immediately blocked was rejected, with more arguments to be presented to a three-judge panel of the 9<sup>th</sup> Circuit Court of Appeals on Monday, Feb. 6 and may eventually go to the Supreme Court. NILC has participated in numerous calls and webinars to update advocates on the situation, and they continue to fight the ban.

Sen. Dianne Feinstein (D-CA) introduced a bill, S. 240, to rescind the executive order. The bill has [45 cosponsors](#), all Democrats and Independents. Rep. Zoe Lofgren (D-CA) introduced H.R. 724 to defund and reverse the order; this bill has [186 cosponsors](#), all Democrats. For more information, see [these pieces](#) from Friends Committee on National Legislation.

[The Washington Post](#) and [Vox](#) also reported that the Trump Administration is considering another order that would further restrict immigrants and potential immigrants who use or would be expected to use public benefits. Based on the leaked draft, the order would make certain lawfully present immigrants or applicants more at risk of being designated a "public charge." Under current law, that designation applies to a recipient (or expected recipient) of cash assistance (such as TANF or SSI) or long-term nursing home care. If signed by President Trump as drafted, the order would significantly expand the types of benefits that could be considered in a "public charge" determination, making relevant "any public benefits for which eligibility or amount is determined in any way on the basis of income, resources or financial need." Although the benefits to be included within the new definition of "public charge" are not spelled out, they could include free or reduced-price school meals, WIC, or Pell grants.

According to existing law, changes to "public charge" language by executive order would not apply to refugees or other humanitarian immigrants or to decisions about naturalization, but could apply to immigrants seeking to become lawful permanent residents (LPRs). Expectation that they would be or have been "public charges" would be grounds for denying a visa application or granting a green card;

current LPR's who leave the country for more than 180 days could be denied readmission; and current LPR's who utilize benefits within five years of entering the country could even be deported in some circumstances.

If signed as drafted, the order would also make immigrants' sponsors liable for virtually any benefits used. Additionally, it would require taxpaying parents and well as children to have Social Security Numbers in order to receive the Child Tax Credit. This would hurt U.S. citizen children whose immigrant parents use an Individual Taxpayer Identification Number (ITIN) to file taxes.

This proposal would dramatically alter immigration policies and practices that have been in effect for a century, under both Republican and Democratic administrations. Since 1996, LPR's already are banned from receiving SNAP, TANF, Medicaid, CHIP and SSI for five years (LPR children, however, are eligible for SNAP, and in certain states are eligible for Medicaid and CHIP). Receipt of legally received benefits, even years previously, could under the draft order be grounds for deportation.

Advocates stressed that this order is only in draft form at this time and could be changed or discarded. They also note that unlike other executive orders recently signed by the President, this one would require a lengthy period for public comments and rule-making before it could take effect, and some of the proposed changes require congressional action. For more information, see [this piece](#) from the Migration Policy Institute.

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### **Votes Begin on President Trump's Cabinet Picks**

Despite efforts by advocates and Senate Democrats, who asked for additional time to question nominees and boycotted votes, several of President Trump's cabinet nominees moved forward in recent days.

The Senate Judiciary Committee approved **Sen. Jeff Sessions'** nomination to be the next U.S. Attorney General in a party-line vote (11-9) on [Feb. 1](#). Democrats used an arcane procedural move to block a planned vote on Sessions on Jan. 31, [postponing](#) it until Feb 1. His nomination now goes to the Senate floor, where he is widely expected to be confirmed. Once confirmed, Sessions (R-AL) will take over the Justice Department from current Acting Attorney General Dana Boente, who replaced Sally Yates after she was fired for saying the Justice Department would not defend President Trump's executive order on immigration issued the previous weekend (see related article for more on this). CHN joined many advocacy groups in sending a [letter](#) to the heads of the Judiciary Committee [opposing Sen. Session's nomination](#).

**Betsy DeVos**, President Trump's pick for Secretary of Education, cleared the Senate Health, Education, Labor and Pensions (HELP) Committee on a party-line vote (12-11) on Jan. 31, and the full Senate voted along party lines (52-48) to advance her nomination on [Feb. 3](#). A final vote on her confirmation is expected as early as Feb. 6 or 7. However, Sens. Lisa Murkowski (R-AK) and Susan Collins (R-ME), both of

whom voted for DeVos in committee, [said](#) they won't vote to confirm DeVos on the Senate floor. This means that if all other senators vote along party lines, Vice President Mike Pence would need to vote to break the tie. If one other Republican senator votes no, her nomination would fail.

**Rep. Tom Price** (R-GA), President Trump's pick to head the Departments of Health and Human Services, and **Steven Mnuchin**, Trump's pick to be Treasury Secretary, where both advanced with only Republican support by the Senate Finance Committee on Feb. 1. Democrats on the committee boycotted votes on the nominations on Jan. 31, delaying the votes. The following day, Republicans suspended the committee rules, which normally require at least one Democrat be present for a vote, to allow them to vote without any Democrats. CHN [supported](#) the boycott by Senate Democrats and opposes both of these nominations.

**Rep. Mick Mulvaney's** nomination to be the director of the Office of Management and Budget was approved by two committees on Feb. 2. Both the Senate Homeland Security and Governmental Affairs Committee and the Budget Committee were expected to vote on Feb. 1, but the votes were delayed until Feb. 2. Both committees, which have joint jurisdiction over OMB nominees, approved Rep. Mulvaney (R-SC) along party lines. Sen. John McCain (R-AZ), who voted for Mulvaney in the Homeland Security Committee, has [said](#) he's "leaning against" voting for Mulvaney on the Senate floor because of his willingness to cut military spending. CHN [opposes](#) the confirmation of Rep. Mulvaney because of his support for budget proposals that make draconian cuts in human needs programs and his willingness to shut down government and stop government borrowing in order to force cuts.

The Senate Banking, Housing and Urban Affairs Committee voted in favor of moving forward the nomination of **Dr. Ben Carson**, President Trump's nominee for Secretary of Housing and Urban Development, on Jan. 24. While expressing reservations, both Democratic Sens. Elizabeth Warren (ME) and Sherrod Brown (OH) supported Dr. Carson's nomination. The committee [advanced](#) his nomination in a simple voice vote without major opposition from Senate Democrats.

The confirmation hearing for **Andrew Puzder**, Trump's nominee for Secretary of Labor, has been delayed for the fourth time, and a rescheduled date has not yet been announced, although it is rumored to be Feb. 14. CHN sent a [letter](#) to the Senate HELP Committee opposing Puzder's nomination. Faced with the barrage of criticism from advocates, Puzder was reported by [CNN](#) to be having second thoughts, although he did later [tweet](#) that he is looking forward to his hearing.

All nominees to the cabinet can be confirmed by a simple majority of the Senate.

For more information on President Trump's cabinet nominees, including statements opposing many of the nominees from CHN members, see CHN's page on the [Trump Administration](#). To see what to expect in policy changes from the Trump Administration and the new Congress in 2017, see our [Washington 2017 resource webpage](#), and [The New Congress: How it Plans to Cut...And How to Fight Back](#), a webinar originally held on December 16.

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## House Votes to Roll Back Worker Protection Rule

The House voted ([236-187](#)) on Feb. 2 to repeal the regulations implementing the Fair Pay and Safe Workplaces Executive Order previously issued by President Obama. The order requires federal contractors to disclose any violations of worker protection laws before receiving new government contracts, and advocates believe it is necessary to protect workers' wages and safety and to encourage violators to comply with labor and civil rights laws. CHN supports this [executive order](#) and signed a group letter urging members of Congress to oppose efforts to repeal it. The resolution to undo the order is viewed by advocates as anti-worker, anti-taxpayer, and anti-law-abiding business. The Senate is expected to vote on it the week of Feb. 6.

The "resolution of disapproval" to roll back the order was passed by the House under the Congressional Review Act (CRA). Under the CRA, Congress has 60 legislative days to review and override major regulations enacted by federal agencies, with only a simple majority vote in the Senate. The CRA also prevents agencies from enacting similar regulations again in the future unless specifically authorized by a subsequent law. President Obama issued the Fair Pay and Safe Workplaces Executive Order in July 2014. The regulations implementing the order were finalized in August 2016 and the rule was slated to go into effect in October 2016, but a court order is preventing implementation. For more information on the Fair Pay and Safe Workplaces Act, see [this piece](#) from the Center for American Progress and [this piece](#) from the National Employment Law Project.

A number of other rules and regulations put into place in the last several months of the Obama Administration are being targeted by Republicans in Congress and the new Trump Administration for the chopping block. Advocates fear that multiple regulations that help low-income and other disadvantaged populations could be at risk. This includes a requirement that employees of federal contractors be allowed to earn paid sick days, consumer protections on prepaid debit cards and environmental protections, and Congress has already begun the process of rolling back many environmental protections rules and regulations. For more information about other rules and regulations under threat and the process for undoing these, see the [January 17 Human Needs Report](#).

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## Advocates Oppose President Trump's Supreme Court Pick

Advocates have been voicing opposition to President Trump's nomination of Judge Neil Gorsuch to the Supreme Court. Several CHN members, including the [National Women's Law Center](#), [National Council of Jewish Women](#) and the [Center for American Progress](#), released statements opposing his nomination. The National Women's Law Center noted in its statement that, "Gorsuch's judicial record and the tainted process by which he was selected, demonstrate that, if he is confirmed to the highest court in the land, our shared constitutional values will be at risk, to the detriment of us all – and most especially women." SCOTUSblog is [compiling statements](#) in support of and in opposition to Judge Gorsuch.

A confirmation to the Supreme Court requires 60 votes in the Senate, but President Trump [encouraged](#) Senate Majority Leader Mitch McConnell (R-KY) to “go nuclear” and change the filibuster rules if necessary so that only a simple majority would be needed.

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**We appreciate your input.** Give us your thoughts on our *Human Needs Report* at [limbery@chn.org](mailto:limbery@chn.org).

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