



# COALITION ON HUMAN NEEDS

## *The Human Needs Report*

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### **House Spending Panel Passes Labor-HHS-Education Bill with Amendments on Migrant Family Separations**

The House Appropriations Committee passed (30-22) its version of the FY19 Labor, Health and Human Services, and Education (Labor-H) appropriations bill on July 11. The largest nondefense spending bill totals \$177 billion and would provide a \$43 million increase for the Department of Education (essentially flat funding for the department's \$71 billion budget), a \$1 billion increase for the Department of Health and Human Services to \$89.2 billion, and an \$88.8 million decrease for the Labor Department to \$12.1 billion. Democrats argued that as nondefense discretionary (annually-appropriated) spending is set to increase by \$18 billion for FY19 under a budget deal Congress passed earlier this year, the Labor-H bill should get at least \$5 billion of that increase; instead, the House measure totals roughly the same as last year.

During a contentious 13-hour debate and markup of the bill, the House committee adopted [12 amendments](#) related to families separated at the border, including amendments requiring HHS to report

to Congress on a plan to swiftly reunify separated families, expressing the sense of Congress that families should not be separated and should be immediately reunited, and funding mental health services for children separated from their parents. Advocates were pleased these amendments passed, but they were disheartened that the committee also passed an amendment overriding a long-standing court consent decree, known as the Flores decision, that required a limit of 20 days' detention for families. This amendment, which would allow migrant children to be held in unlicensed family detention facilities indefinitely, was supported by all Republicans on the committee as well as Democratic Rep. Henry Cuellar (TX); all other Democrats voted against it. An amendment requiring the Trump Administration to comply with court orders mandating reunification of children separated from their parents failed, as did one to direct \$10 million for gun violence prevention research. An [amendment](#) that would cut 15 percent of federal adoption funding to states and localities that penalize faith-based adoption and foster care agencies that refuse to place children in families that conflict with the agencies' religious beliefs passed nearly along party lines; Republican Rep. Scott Taylor joined all Democrats in opposing it. For more information on what's in the House Labor-H bill, see the [June 19 Human Needs Report](#), the Republican [summary](#), and the [statement](#) made by Rep. Nita Lowey (D-NY), the subcommittee's highest ranking Democrat.

The Senate Appropriations Committee passed (30-1) its bipartisan version of the Labor-H spending bill on June 28. While advocates are generally pleased with the Senate bill and its lack of partisan policy changes known as riders, they contend that the overall spending level for the three departments should be higher than the \$2.2 billion increase over FY 2018 provided, given the size and importance of the departments. For more information on what's in the Senate Labor-H bill, see the [July 2 Human Needs Report](#).

Some members of Congress have been considering pairing the Labor-H bill with the Department of Defense appropriations bill and moving them together on the House and Senate floors. These two bills are typically the top priorities of Democrats and Republicans, respectively.

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### **House Moves Another Partisan Spending Package and More Money for Anti-Immigrant Enforcement**

In other appropriations news, the House passed ([217-199](#)) a spending package on July 19 that combined the Interior-Environment spending bill with the Financial Services spending bill. Fifteen Republicans joined all Democrats in opposing the package. Advocates objected to many poison pill partisan riders in the bill that would roll back environmental regulations and consumer protections. For example, according to *CQ*, the House bill "would strip the Consumer Financial Protection Bureau of some powers and of financial independence" and contains policy riders "affecting regulators' abilities to implement the Endangered Species, Clean Air, and Clean Water acts." According to [Pubic Citizen](#), the bill would also stop the IRS from enforcing current law that prohibits churches and other tax-exempt religious groups

from engaging in political campaigns and would stop the IRS from creating a clear definition of political activity for nonprofits.

The partisan nature of the package means it could not survive the Senate in its current form, however. The Senate is expected to take up the package as early as this week, but is expected to replace the contents of the package with its versions of the two bills, and also add its versions of the Transportation-Housing and Urban Development spending bill and the Agriculture spending bill.

In addition, a House Homeland Security Appropriations subcommittee passed (by voice vote) its FY19 spending bill on July 19. The bill includes \$5 billion for President Trump's border wall, more than three times the amount included in the Senate bill. According to a [statement](#) from Rep. Lucille Roybal-Allard (D-CA), the subcommittee's top Democrat, the bill would increase the number of detention beds for migrants from the current 40,520 to 44,000, and would fund the hiring of more than 300 Immigration and Customs Enforcement (ICE) Enforcement and Removal officers. The full House Appropriations Committee is expected to take up the bill this week.

Some in Congress are pushing for conference negotiations on topline spending allocations for each of the 12 appropriations bills, known as 302(b) allocations, which differ in the House and Senate and which advocates think are too low for the bills that cover important human needs programs. If appropriations bills pass both chambers before these funding decisions are made, there is a risk that early bills will spend too much, forcing further cuts in bills like the Labor, Health and Human Services, and Education spending bill that often are taken up later. Despite the forward motion of the spending bills, many are already expecting that a stopgap spending bill will be needed to keep the government open from the time the new fiscal year begins on October 1 through sometime after the November elections.

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### **Farm Bill – and Proposed SNAP Cuts – Heads to Conference**

On July 18, the House agreed by unanimous consent to go to conference with the Senate on a farm bill, which includes the reauthorization of SNAP/food stamps. A similar Senate vote is expected this week. A conference committee, which will be made up of House and Senate members, will be tasked with working out the differences between the two different versions of the bill that have been passed by the two chambers. The Senate passed ([86-11](#)) its bipartisan [version](#) of the Farm Bill on June 28 without the deep cuts and harmful changes to SNAP that were included in the bill the House narrowly passed ([213-211](#)) on June 21.

The Senate bill maintains current work requirements and eligibility requirements, unlike the House bill that expanded work requirements and tightened eligibility requirements. Advocates strongly oppose the House farm bill, which the Center on Budget and Policy Priorities (CBPP) [estimates](#) would cause more than 1 million low-income households with more than 2 million people – particularly low-income working families with children – to lose their benefits altogether or have them reduced. Roughly

265,000 children in low-income families would also lose access to free meals at school under the House bill.

Negotiations among House and Senate conferees are expected to continue throughout August. Advocates like those at FRAC [will](#) “continue to urge policymakers to protect and strengthen SNAP and reject the House Farm Bill.” For more information, see the [July 2 Human Needs Report](#), CHN’s [Protecting Basic Needs resource page](#), and the [recording](#) of a webinar CHN cosponsored with CBPP, Feeding America, and FRAC.

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### **Advocates Respond to Supreme Court Nominee**

Advocates responded with concerns about President Trump’s nomination of Judge Brett Kavanaugh to the U.S. Supreme Court. Concerns ranged from his position on the Affordable Care Act and disability rights to labor rights, voting rights, consumer protections, the environment, and more. In a [statement](#), CHN’s Executive Director Deborah Weinstein said, “The nomination of Brett Kavanaugh to the U.S. Supreme Court poses grave risks to workers, consumers, and all Americans who seek legal protections against those who would deny them health coverage, voting and workplace rights, or endanger them with predatory lending or an unsafe environment.” Leaders from the Center for American Progress, Alliance for Justice, MoveOn, the Service Employees International Union, and others joined some Senate Democrats at a rally outside the Supreme Court on July 9 protesting the nomination.

The Leadership Conference on Civil and Human Rights and more than 100 national, state, and local organizations sent a [letter](#) urging the Senate to oppose Kavanaugh’s nomination, saying Kavanaugh “lacks the impartiality and independence necessary to sit on the highest court in the land.” The letter expressed concern about Kavanaugh in a number of areas, including immigrant justice, presidential power, gun safety, criminal justice, and more. Hearings on Judge Kavanaugh’s confirmation have not yet been scheduled but may begin in the Senate in August. Republicans would like to see him confirmed before the next Supreme Court session begins in early October. For more information on recent Supreme Court decisions that advocates have opposed, see the [July 2 Human Needs Report](#).

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### **Numerous Threats to Affordable Care Act Persist**

Multiple threats to the Affordable Care Act continue to chop away at the protections the law provides to millions. For example, a lawsuit filed in February by Texas and 19 other states contends that the repeal of the ACA individual mandate penalty included in the recent Republican tax cut bill means the entire ACA is unconstitutional. The Trump Administration declined to defend the law. In response, several

Senators introduced a [resolution](#) to authorize the Senate to take legal action to intervene in the lawsuit to defend the law and its protections for people with preexisting conditions.

In addition, according to [Families USA](#), the Trump Administration on June 19 finalized a regulation allowing the sale of substandard junk plans that aren't required to cover the 10 essential health benefits and exempting these plans from limits on premium increases based on gender and geography. Under the new regulation, Association Health Plans could be sold to millions of Americans buying insurance in the individual or small group markets. Several Democratic attorneys general have announced they would sue to overturn the regulation. The Administration has also proposed a rule for so-called "[short-term insurance](#)" plans that ignore nearly all ACA consumer protections and that could last for up to 364 days (and would be renewable after that). The current rules limit short-term plans to 90 days.

On July 7, the Centers for Medicaid and Medicare Services (CMS) [announced](#) it will not distribute more than \$10 billion out of a "risk adjustment" pool, which is funded by insurers who participate in the individual and small-business markets. The pool balances out the risks among these insurers; failing to pay these adjustments could cause insurers to pull out of these markets or to increase rates and could therefore undermine the individual market. And on July 19, CMS launched a new [comment period](#) ending August 18 to accept feedback on Kentucky's efforts to add work requirements for Medicaid recipients. A federal judge in June struck down the proposal, which the state has estimated would cause 95,000 Kentuckians to lose Medicaid coverage, calling it "arbitrary and capricious." The new comment period could serve to advance the proposal again. Kentucky officials on July 19 also said that it was working to reinstate dental and vision coverage for Medicaid expansion beneficiaries, after the governor [canceled](#) that coverage following the court decision.

The Protect Our Care Coalition, of which CHN is a member, recently released a report, [Summer of Sabotage](#), that analyzes a number of actions the Trump Administration has undertaken to undercut health care in the last few months. In addition to providing a status report on the premium increases insurance companies have filed this summer, the report contends that the Trump Administration has argued against protections for people with pre-existing conditions in federal court; encouraged Americans to sign up for junk plans, which would bring back discrimination against women, people with pre-existing conditions and people over age 50; nominated an extreme anti-health care judge to the [Supreme Court](#) with the nomination of Judge Brett Kavanaugh; [slashed funding](#) for navigators that help Americans obtain insurance; restricted access to Medicaid in the [states](#); made it harder to find information about the ACA online; and froze the [risk adjustment program](#), which could unnecessarily drive up premiums. Families USA has a number of resources on these restrictions; many of them are linked to in the above paragraphs and can be found on [their website](#).

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