COALITION ON HUMAN NEEDS

The Human Needs Report

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Spending Work Continues in the House without Agreement on FY20 Spending Caps

The House Appropriations Committee on May 8 approved (30-22, along party lines) top-line spending limits for the subcommittees responsible for its 12 FY20 spending bills, known as 302(b) allocations. Totaling $1.295 trillion in discretionary (annually-appropriated) funding, the allocations represent enough to maintain existing program levels and in some cases to serve more people. In maintaining programs, for example, the National Low Income Housing Coalition said the 6.6 percent increase over

FY19 funding for the FY20 Transportation-Housing and Urban Development spending bill should be adequate to "fully renew housing vouchers and project-based rental assistance contracts." Funding for the Child Care and Development Block Grant (CCDBG) in the FY20 Labor, Health and Human Services, and Education spending bill is increased by $2.4 billion to a total of $7.7 billion, a 45 percent increase over FY19 levels without adjusting for inflation. This builds on a substantial increase in CCDBG funding provided in FY18, though child care resources would still remain short of what is needed to assist all eligible children. The 302(b) subcommittee allocations are here. House Appropriations subcommittees had already begun writing and passing bills based on these limits.

These levels are not binding in the Senate, however, and a new bipartisan deal to raise tight spending caps put in place by the 2011 Budget Control Act still needs to be reached with the Senate and signed by the President, if Congress is to avoid the deep cuts required by the 2011 law. Without legislation to lift the caps, non-defense discretionary programs would be cut by $55 billion and defense by $71 billion in FY20, compared to FY19 levels.

Senate Appropriations Chair Richard Shelby (R-AL) previously said he would not agree to the House spending limits and suggested that in the absence of an agreement to lift the caps, his Committee would write spending bills to the lower numbers required by existing law. The latest report is that the Senate Appropriations Committee could begin taking up its own versions of FY20 spending bills as early as June, even if an agreement between the House, the Senate, and the White House on spending limits hasn't been reached by then. President Trump's FY20 budget retained the spending caps, but in order to increase military spending proposed a huge increase in the uncapped Overseas Contingency Operations (OCO) account, from $69 billion to $165 billion. Now reports are that the Administration would prefer a year-long stop-gap spending measure (known as a Continuing Resolution, or CR) for FY20, which would provide level funding from FY19. However, advocates contend that, because of a need for increased funding for the 2020 Census, veterans' health care, and other programs, flat funding would actually result in a roughly $20 billion loss for other human needs programs.

Analysis from CHN shows the importance of lifting the spending caps in order to prevent serious losses in human needs programs. CHN's work showed that out of 184 programs tracked, 131 of the programs, or 71 percent, lost ground between FY 2010 and FY 2019. Without changing the law to lift next year's low spending caps, the cuts in spending would mean that far fewer people would be served by the 184 human needs programs CHN looked at.

The full House Appropriations Committee also passed on May 8 (30-23, along party lines) its FY20 Labor, Health and Human Services, and Education spending bill. The "Labor-H" bill provides $189.9 billion for these departments, up $11.8 billion or 6 percent over FY19 and up $48 billion over President Trump's FY20 budget request. Including unused funds in the Children's Health Insurance Program, the bill would spend $204 billion in total. Advocates were pleased that the proposed increase for this spending bill is proportional to the total nondefense discretionary spending increased proposed by House leaders, which has not always been the case in past years. Advocates were also pleased that the proposal contains increases for numerous important human needs programs. A summary of the Labor-H bill from House Democratic appropriators can be found here. The full text of the bill can be found here. For more information on parts of the bill important to human needs advocates, see the [May 6 *Human Needs Report*]. Even with the increases, the [Center on Budget and Policy Priorities] noted that total funding for all programs covered in the Labor-H bill would be just 3 percent above what it was a decade ago in inflation-adjusted terms.

Three other FY20 spending bills have been approved by the full House Appropriations Committee to date: State and Foreign Operations; Legislative Branch; and Military Construction and Veterans' Affairs.

Several other FY20 spending bills have passed out of the respective House Appropriations Subcommittees. Among them is the FY20 Defense spending bill, which would prohibit the Trump Administration from using more Pentagon money for construction of a wall along the U.S. southern border, but it would also approve funding for 12 more of the problem-plagued F-35 fighter jets than the Pentagon requested. The FY20 Commerce-Justice-Science spending bill, which was passed by its subcommittee on May 17, contains $8.45 billion for the Census Bureau (including $7.5 billion for the 2020 Decennial Census), and contains an additional $109.6 million to hire additional immigration judge teams to address the immigration case backlog. It would also provide $550 million for the Legal Services Corporation, an increase of $135 million above fiscal year 2019, to help increase the availability of civil legal assistance for low-income people with housing, domestic violence, employment, consumer, or other legal trouble; President Trump's budget would have eliminated this program. The bill also includes a provision that would prevent the addition of a citizenship question on the 2020 Census; it is a symbolic move, as the Supreme Court is expected to rule on the question in June, before the appropriations bill will be enacted.

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Senate Edges Closer Still to Disaster Aid

This could finally be the week that the Senate approves long-awaited disaster aid for the 16 states and U.S. territories that have faced a devastating array of natural disasters, ranging from hurricanes and floods to wildfires, tornadoes, hail damage and drought.

Senate leaders, including Majority Leader Mitch McConnell (R-KY), have indicated they want to pass a disaster aid bill before Congress breaks for Memorial Day recess this Friday, May 24. And indications are that a compromise is in the works.

Previously, the legislation was held up by disagreement over aid for Puerto Rico, and, in particular, President Trump's opposition to aid that would help the island rebuild its battered infrastructure. More recently, however, the disagreement appears to have shifted to concern over $4.5 billion the Trump Administration has requested for border funding.

Now, both sides of the aisle appear to have resolved the Puerto Rican issue, after Republicans agreed to more money, although no details have been announced and no deal has been finalized. On the issue of border funding, Democrats appear to support $2.9 billion of Trump's $4.5 billion request – this is money that would go to the Department of Health and Human Services for humanitarian assistance, for housing, food, medical care and other services for unaccompanied children. But Democrats are expected to oppose other parts of the request, including money that would expand the number of Immigration and Customs Enforcement detention beds and other logistical support for the Border Patrol, including support from the Pentagon. (On May 17, the Trump Office of Management and Budget sent a letter to Congressional leaders seeking an additional $1.4 billion for the unaccompanied migrant children beyond their previously sought $2.9 billion, saying that the numbers entering the country have exceeded their earlier estimates.)

The disaster aid would include $600 million in desperately needed Nutrition Assistance Program (NAP) funding for Puerto Rico. Some 1.35 million low-income residents of Puerto Rico – more than one-third of the island's residents – saw their NAP benefits cut dramatically in March as disaster food aid ran out. That number includes 300,000 children.

The aid also would include Medicaid funds for the Pacific Island territories – the Northern Marianas, Guam and American Samoa. Those islands receive an inadequate Medicaid block grant, and the Northern Marianas have exhausted their Affordable Care Act funds this year while Guam and American Samoa cannot afford to provide the matching funds needed to draw down their Medicaid funds.

Earlier this month, the House passed a $19.1 billion disaster aid bill (H.R. 2157). The Senate is expected to take up that bill and attach a substitute that would result from ongoing negotiations between Senate Appropriations Committee Chairman Richard Shelby (R-AL) and Senate Appropriations Ranking Member Patrick Leahy (D-VT).

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Proposed HUD Rule Could Harm More than 100,000

More than 100,000 people could be affected if a proposed rule dictating who may and may not live in public housing is enacted. The proposed Housing and Urban Development (HUD) regulation would prohibit "mixed status families" from living in public and other subsidized housing. Mixed status families are households that include members who are eligible and others who are ineligible for housing assistance based on their immigrant status.

Currently, HUD allows families to live together in subsidized housing even if one family member is ineligible so long as the housing subsidy is prorated to exclude the ineligible person from the assistance.

The rule has been submitted for public comment; comments will be accepted until July 9.

An impact analysis prepared by career staff at HUD shows how devastating the proposal would be. It found that 108,000 people would be affected. About 70 percent of those people are citizens or legal residents and three-quarters of those – 55,000 – are children.

According to the analysis, HUD assumes that some of the affected families would split up because the ineligible family member would be asked to leave so that the rest of the family could still receive aid. But it says most of the families would likely move out of their proposed homes. “HUD expects that fear of the family being separated would lead to prompt evacuation by most mixed households, whether that fear is justified,” the agency says.

Diane Yentel, President and CEO of the National Low Income Housing Coalition, said in an interview with NPR’s Pam Fessler that the proposal is cruel. “The cruelty of it is really breathtaking and it would do real harm to kids and to families.”

HUD Secretary Ben Carson said the rule is needed to help low-income Americans who are in need of housing assistance and may face lengthy waits. “Our nation faces affordable housing challenges and hundreds of thousands of citizens are waiting for many years on waitlists to get housing assistance,” he said.

But Carson’s own words are undermined by the HUD analysis, which predicts that the rule would lead to a decrease in those receiving housing assistance as well as a decrease in the amount of funding available to those in need. This is in part because mixed status families tend to receive smaller subsidies than other families, and in part because other families’ incomes tend to be lower and thus qualify for higher subsidies, which would put added stress on available benefits.

“Another, and perhaps the likeliest scenario, would be that HUD would have to reduce the quantity and quality of assisted housing in response to higher costs,” the agency says. For public housing, that would likely “have an impact on the quality of service, e.g., maintenance of the units and possibly deterioration of the units that could lead to vacancy.”

Housing advocates are viewing the proposal with alarm.

“The administration has made clear its intention to make life more difficult for immigrant families by restricting their ability to access basic needs programs,” said Olivia Golden, Executive Director of the Center for Law and Social Policy (CLASP). “The proposed rule by HUD continues this pattern of attacks – this time by threatening the roof over their heads and directly undermining the wellbeing of citizen children.”

Melissa Boteach, Vice President for Income Security and Child Care/Early Learning at the National Women’s Law Center, called the proposal “a blatant attempt by the Trump Administration to pit struggling families against one another in the wake of a $1.9 billion tax cut for millionaires and corporations.”

"Forcing thousands of immigrant families to make the unconscionable decision to either break up to receive housing assistance or forgo housing assistance altogether will not fix the nation's housing crisis – raising wages and making significant new investments in affordable housing will."

Late last week, Rep. Sylvia Garcia (D-TX) introduced H.R. 2716, which would prevent HUD from implementing the rule. She was joined by Reps. Lou Correa (D-CA), Veronica Escobar (D-TX), Alexandria Ocasio-Cortez (D-NY), and Chuy Garcia (D-IL). The measure immediately was backed by the National Low Income Housing Coalition, the National Housing Law Project, and Texas Housers.

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Advocates Decry Trump Immigration Plan

Advocates were quick to decry an immigration plan released by President Trump on May 16 as one that would rig the nation's immigration policies in favor of the wealthy at the expense of reuniting families. The proposal would make major damaging changes to family-based immigration, instead implementing a point system that would prioritize special skills and advanced education. The proposed plan would also require English language proficiency and passing a U.S. civics exam, among other things.

Marielena Hincapié, Executive Director of the National Immigration Law Center, said in a statement, "This sweeping proposed change to our country's immigration system is based not in values, but in white nationalism and an elitist belief that this country is only for the wealthy. This is not a serious policy proposal, but rather another attack on immigrant families." Trump ally Sen. Lindsey Graham (R-SC) said "the White House's plan is not designed to become law. ... The White House plan is trying to unite the Republican Party."

Some conservatives opposed the plan because it would not lower the overall level of legal immigration into the U.S. Given the opposition of Democrats and some Republicans, the proposal is likely to be dead on arrival on Capitol Hill.

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Redefining Poverty: The Trump Administration's Latest Attack on Struggling Americans

The Trump Administration has put forth a proposal to change the way the federal poverty line is adjusted for inflation. Over time, this adjustment would reduce funding for essential human needs programs by billions of dollars. Millions of Americans would be affected, including children, seniors, people with disabilities, and others who are poor or near poor. The proposal is now in a public comment period, and members of the public with concerns have until June 21 to submit comments.

The Center for Budget and Policy Priorities states that the proposal “would over time cut or take away entirely food assistance, health, and other forms of basic assistance from millions of people who struggle to put food on the table, keep a roof over their heads, and see a doctor when they need to.”

“If the poverty line is altered in this fashion, fewer individuals and families will qualify over time for various forms of assistance, including many who work hard but are paid low wages,” CBPP states. “That’s because using a lower measure of inflation like the chained CPI to adjust the poverty line each year would make the eligibility thresholds for various programs that serve people in need lower and lower over time, compared with what the thresholds otherwise would be. This, in turn, would lower the income eligibility limits for programs like SNAP (formerly known as food stamps) and Medicaid, which are tied to the federal poverty line. It also would reduce the Affordable Care Act’s (ACA) premium tax credits — and thereby increase the out-of-pocket premium charges faced by millions of people who purchase health insurance through the ACA marketplaces.”

According to the CBPP, the Trump Administration is considering using a lower inflation measure to adjust the poverty line while wholly ignoring other questions about the adequacy of the poverty line as a measure of whether households can meet basic needs.

The Trump Administration has floated its proposal through a “Request for Comment” – different from a proposed rule, but essentially a request for the public to provide information and views to the federal government on this potential change. But the CBPP notes that the Administration presented no research on how low-income families’ costs for basic necessities has changed over time, the adequacy of the poverty line itself as compared to the cost of basic necessities, or the implications of changing the poverty line for individuals’ and families’ access to needed assistance. Noting that public opinion research shows that most Americans think the current poverty measure is too low, the Center for American Progress’ *Talk Poverty* blog points out “It’s hard to reconcile a measurement that says only 12.3 percent of people in the U.S. are poor when more than 4 in 10 adults would struggle to come up with $400 in an emergency and 70 percent of voters have confronted a serious financial hardship in the last year.”

“Asking for public comment in apparent preparation for a policy change that could harm millions of struggling Americans over time, without providing the public with research and data on these basic questions, suggests this is not a serious effort to explore the important substantive issues that poverty measurement presents,” the CBPP said.

On Wednesday, May 22, CBPP and CHN will examine this issue in more depth in a webinar entitled, “The Latest Plan to Deny Assistance: Shrinking the Poverty Line.” The webinar will take place at 2 p.m. ET, and will last one hour. Closed captioning will be provided. You can register here. Even if you cannot make the webinar, by registering, you will automatically receive the webinar slides, a recording of the webinar, and a follow-up email with links to a CHN webpage with resources and easy ways to comment.

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House Passes Bills to Lower Drug Costs and Shore up ACA

A package of seven bills designed to strengthen the Affordable Care Act's individual health insurance exchanges and lower prescription drug prices passed the House (234-183) on May 16. According to *Roll Call*, the bill consists of some measures that have bipartisan support, such as legislation to bring cheaper generic prescription drugs to market more quickly, with some measures that many Republicans do not support (indeed, only five Republicans joined all Democrats in supporting the package). This includes legislation to block a Trump Administration rule issued last year to expand the duration of short-term insurance plans, which are exempt from the ACA's consumer protections. The Strengthening Health Care and Lowering Prescription Drug Costs Act (H.R. 987) would also provide funding for states to establish state-based marketplaces under the ACA and restore funding cuts by the Trump Administration for the ACA's marketing and outreach and for its navigator program, which helps people signing up for coverage. The bill is unlikely to pass the Senate as is; the White House has issued a veto threat.

On May 9, four House Republicans joined all Democrats in passing (230-183) the Protecting Americans with Preexisting Conditions Act (H.R. 986). The bill would require the Trump Administration to rescind its 2018 guidance that made it easier for states to receive waivers allowing them to change their state marketplaces and bypass some ACA protections, putting people with preexisting conditions in jeopardy of increased health care costs. The bill is not expected to pass the Senate; the White House said it would veto it.

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Labor Department Issues Proposals that Could Harm Workers

The Department of Labor (DOL) this spring issued several proposed rules that advocates believe will have a negative impact on workers.

One such rule focuses on which workers are entitled to overtime pay and protections. Under current law, both salary level and duties are taken into account to determine if a salaried (non-hourly) worker qualifies for overtime pay. In 2016, under the Obama Administration, the Department of Labor attempted to strengthen overtime regulations for working people by raising the annual salary threshold under which most workers are entitled to overtime pay from $23,660 to $47,476 and then indexing it to wage growth. The threshold had not been raised since 1975; if it had increased at the inflation rate from 1975 to 2020, it would be projected to rise to $58,000, more than the Obama Administration's proposal would have called for. The new rule, proposed by the Trump DOL, sets the threshold at $35,308 in 2020, nearly $23,000 less than the inflation-adjusted 1975 level, according to the Economic Policy Institute (EPI). EPI estimates that Obama rule would have benefited 13.5 million working people — making 4.6 million newly eligible to receive the overtime pay they deserve, and strengthening the rights of 8.9 million more.

The Obama rule was challenged by business interests and blocked in the courts, however, and the Trump Administration refused to defend the updated rule. Research shows that this inaction has already cost working people more than $1.6 billion in lost overtime pay.

In opposing the Trump rule, advocates point to research from EPI that shows that this proposal would leave behind 8.2 million people who would have gotten new or strengthened overtime protections under the 2016 guidelines, and that the annual wage gains workers receive would be $1.2 billion less under the new proposal compared to the 2016 rule.

The Department of Labor is accepting comments through May 21. For more information, see these pieces from CHN members the Economic Policy Institute, the National Employment Law Project, and the National Women's Law Center.

In addition, on April 1, DOL issued a proposed rule that would negatively affect workers in contracted jobs. Currently, when a company contracts out work to a staffing firm or other labor subcontractor, it may still share responsibility for the workers, which helps ensure the lead company provides better oversight of and compliance with minimum wage, child labor, and overtime protections. According to the National Employment Law Project (NELP), the new DOL guidance on the so-called "joint employer" standard "lets large corporations that outsource jobs off the hook, leaving typically smaller and poorly capitalized local businesses holding the bag for violations. The DOL proposal would make it harder for workers to enforce wage and hour laws and will encourage more outsourcing to labor contractors like temp and staffing firms, especially in low-wage sectors such as construction, agriculture, garment, janitorial, home care, delivery and logistics, warehousing, and manufacturing." The Department of Labor is accepting comments through June 25.

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House Passes Bill to Strengthen LGBTQ Nondiscrimination Laws

The House on May 17 passed H.R. 5, the Equality Act, by a vote of 236-173, to strengthen federal civil rights laws for LGBTQ Americans. Eight Republicans joined 228 Democrats for the historic vote. A priority of House Democrats, the bill would provide explicit nondiscrimination protection for LGBTQ people across key areas of life, including employment, housing, credit, education, public spaces and services, federally funded programs, and jury service. To this end, the bill would amend existing civil rights law – including the Civil Rights Act of 1964, the Fair Housing Act, the Equal Credit Opportunity Act, the Jury Selection and Services Act, and several laws regarding employment with the federal government – to explicitly prohibit discrimination on the basis of sex, sexual orientation and gender identity. The Equality Act would also update the definitions of public spaces and services covered under law.

Today, a majority of states and the federal government still lack explicit nondiscrimination protections for LGBTQ people. According to the National Women's Law Center, over one-third of transgender women report losing a job because of their gender identity or expression. Faith leaders joined in an interfaith prayer vigil on May 14; after the vigil, they delivered a letter supporting the Equality Act, containing more than 4,000 signatures of people of faith and clergy, to members of Congress.

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Bill Introduced to Remove SNAP Time Limits

A bill recently introduced in the House would lift the harmful time limits on Supplemental Nutrition Assistance Program (SNAP) benefits to ensure all low-income adults have access to food. Under current law, childless adults aged 18-49 without a documented disability are subject to a harsh three-month time limit of SNAP benefits in a three-year period, unless they meet a strict work reporting requirement. The Improving Access to Nutrition Act (H.R. 2809), introduced on May 16 by Rep. Barbara Lee (D-CA) with 23 co-sponsors, would lift the time limit from SNAP benefits to ensure that these unemployed and underemployed adults have access to nutrition assistance. The Coalition on Human Needs endorsed the legislation, as did several of CHN's members, including Bread for the World, the Center for Law and Social Policy (CLASP), the Food Research & Action Center, Feeding America, and others. In a letter of support for the bill, CHN noted that "some workers lose vital assistance because they work hours provided by their employers are volatile; others find it difficult to document the work they have done."

Earlier this year, the Trump Administration proposed making it harder for states with elevated unemployment rates to qualify for waivers of the time limit. By the Administration's own calculations, the proposed rule would take food away from 755,000 low-income Americans. Late last year, Congress enacted and President Trump signed a new farm bill that rejected stricter time limits.

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We appreciate your input. Give us your thoughts on our *Human Needs Report* at limbery@chn.org.
