



# COALITION ON HUMAN NEEDS

## *The Human Needs Report*

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### **COVID Relief Package Remains Elusive**

While millions of Americans continue to suffer economic hardship brought on or worsened by the coronavirus pandemic, the possibility of passing another relief bill in Congress before the election looks unlikely. House Speaker Nancy Pelosi (D-CA) and Treasury Secretary Steven Mnuchin continued talks throughout the week last week, but a deal has not yet been announced. According to reports, critically needed aid for states, cities, localities, territories, and tribal governments remains a sticking point in the negotiations, as do strong worker safety protections and whether businesses, health providers and others will be immune to lawsuits related to the coronavirus.

Last week, Senate Majority Leader Mitch McConnell brought to the floor a “skinny” relief bill that would provide only a fraction of the funding sought by Democrats and the White House. According to CQ, the bill (S. 178) would cost \$519 billion over a decade, far short of the \$2.2+ trillion sought by Democrats. It

contained no food or rental assistance, no state or local fiscal relief beyond insufficient school aid, and a short-term fix to jobless benefits that cuts the previous \$600 weekly benefit in half. A procedural vote to move forward with the bill failed along party lines ([51-44](#); 60 votes needed) on Oct. 21. The bill was nearly identical to another GOP bill that also failed to advance in the Senate in September. The Senate on Oct. 20 also voted on another GOP proposal that would have authorized a second round of loans through the Paycheck Protection Program, but that bill also failed to garner enough votes to overcome a procedural hurdle (CHN has received a loan under the PPP program). Senate and House Democrats have objected to doing multiple smaller bills, saying a large, comprehensive COVID-19 relief package is necessary to help the millions of struggling Americans. The Democratic-led House passed the \$3 trillion HEROES Act (H.R. 6800) on May 15 and passed an updated version of the bill, HEROES Act 2.0 (H.R. 925), on October 1; neither have been taken up in the Senate. [Analysis](#) from the Center on Budget and Policy Priorities and CHN's weekly [COVID-19 Watch](#) highlight the need for a comprehensive aid package.

While [several](#) pandemic relief measures were enacted earlier in the spring, vital assistance for workers, renters, and small businesses has already expired, including the \$600 per week supplemental unemployment benefits and job protections for airline workers; many more measures are set to expire Dec. 31, including eviction and foreclosure moratoria for federally-backed mortgages, deferment of federal student loan payments, and more. The Congressional Progressive Caucus Center has a list of expiring COVID-19 relief measures, along with extension dates proposed by the House legislation, [here](#).

If a relief package doesn't pass Congress before the election, it could still move in the lame duck session that follows the election, either as a stand-alone bill or attached to the spending bill package that will be needed to keep the government funded. The current stopgap spending measure, also known as a Continuing Resolution, runs out on Dec. 11.

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### **Senate Moves to Confirm Judge Amy Coney Barrett; Hot-button Issues Await**

Voting mostly along party lines, the Senate on Oct. 25 voted ([51-48](#)) to end debate and move forward with the confirmation vote to put Judge Amy Coney Barrett to the U.S. Supreme Court. Republican Senators Susan Collins (ME) and Lisa Murkowski (AK) joined all Democrats and Independents in opposing the move. The final vote to confirm Judge Barrett is expected to come on the evening of Monday, Oct. 26.

Vice President Pence has said he wants to be present in the Senate when the final vote takes place to break a tie if necessary. However, given the recent outbreak of COVID-19 among Pence's staff, Senate Democratic leadership sent a [letter](#) urging Pence not to come. The Senate floor vote came after the Senate Judiciary Committee last week voted 8-0 along party lines to recommend Barrett's confirmation, with all of the committee's Democrats boycotting the vote.

The confirmation of Judge Barrett will alter the court's balance of power and has evoked outrage from Democrats who said the battle over the court's vacancy should have been delayed until the next president is sworn into office.

Barrett's elevation to the court comes as the nine justices are expected to consider a number of election-related challenges, both before and after Nov. 3. Another case on tap: Nov. 10 arguments on the constitutionality of the Affordable Care Act.

Other hot-button issues that already have or could reach the court during its current term: the 2020 Census, LGBTQ rights, women's health, disputes over federal voting rights laws, the consideration of race in university admissions, and the constitutionality of Obama-era immigration reforms.

The Coalition on Human Needs had called on all members of the Senate to reject Barrett's nomination, citing broad-based concern in five areas: access to health care, immigration, workers' rights, antidiscrimination, and criminal justice.

In a letter to all members of the Senate signed by CHN Executive Director Deborah Weinstein, CHN strongly objected to the Senate's rush to confirmation while refusing to take action on robust COVID-19 relief.

"The real urgency before the Senate is responding to the needs of millions of people who are threatened by the disease itself or its economic repercussions," CHN said. "Asking people who are experiencing serious hardships to wait months for a response from Congress is an unconscionable abdication of responsibility, as is failing to provide adequate funding for public health measures to combat the pandemic." (See related article in this *Human Needs Report* for more information on relief efforts in Congress.)

The letter also documents Barrett's past opinions detrimental to immigrants, workers, low-income people, people of color, people with disabilities, LGBTQ people, and people suspected of committing crimes.

"Among the extremely consequential decisions likely or certain to face the Supreme Court, in addition to the Affordable Care Act, concern the November 3 elections and the 2020 Census," the letter states. "A great deal is at stake: access to health care during the pandemic and beyond, and the very functioning of our challenged democracy. The nation demands a very careful examination of any nominee's approach. For the Senate to rush through this confirmation process is another abdication of its responsibility with consequences lasting decades into the future."

You can view CHN's 8-page letter [here](#).

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## 2020 Census Count Ends, but Advocates' Work Continues

While a Supreme Court [decision](#) on Oct. 13 allowed the Trump Administration to end the 2020 Census count on Oct. 15, advocates' work on the important decennial count continues.

The decision suspended a lower court order allowing the head count to continue through Oct. 31, and the Census Bureau is currently scheduled to deliver apportionment counts for congressional seats to the President by Dec. 31. However, advocates and a bipartisan group of members of Congress agree that, given the delays caused by the coronavirus pandemic, the Census Bureau cannot produce acceptably accurate data by that date. The Trump Administration, including the Census Bureau, had previously taken that position as well.

In April, Commerce Secretary Wilbur Ross and Census Bureau Director Steven Dillingham asked Congress to extend the statutory deadlines for apportionment and redistricting by 120 days each, to April 30, 2021 for apportionment counts delivered to the President and July 31, 2021 for redistricting data delivered to the states. However, in an abrupt about-face in August, the Administration rescinded its request to extend the statutory deadlines. As the Associated Press [reported](#), groups suing the Administration over the timetables said the deadline for turning in apportionment numbers was moved up to accommodate an order from President Trump to exclude undocumented people from the numbers used to divvy up congressional seats among the states. Sticking to a Dec. 31 deadline ensures that data processing remains under the Trump Administration's control, regardless of the outcome of the Nov. 3 election. A panel of federal judges in New York ruled that Trump's order was unlawful, but the Administration has [appealed](#) to the Supreme Court. A second panel of federal judges in California last week also [ruled](#) that the order was also unconstitutional, and the Trump administration again said it planned to appeal.

Advocates are extremely concerned that a rushed Census will leave out millions of low-income people, including those in underserved rural areas, children, immigrants, and people of color, leading to billions of dollars lost to low-income communities over the next decade. First, door-to-door Census takers [failed](#) to reach their target goals in many areas of the U.S., undercounting hundreds of thousands of Americans. In addition, after field operations cease, the Census begins a painstaking, complex, and highly specialized series of activities to process and correct the raw data (for example, eliminating double-counting) before it is ready for use in apportioning representatives among states, redistricting, and allocating federal funding. A Census [document](#), in fact, notes that, "A compressed review period creates risk for serious errors not being discovered in the data – thereby significantly decreasing data quality."

The extended deadlines are included in bipartisan legislation, the [2020 Census Deadline Extensions Act](#) (S. 4571), sponsored by Senators Brian Schatz (D-HI), Lisa Murkowski (R-AK), and Dan Sullivan (R-AK); other Republican lawmakers have also urged Secretary Ross to extend census operations. The Coalition on Human Needs endorsed this bill, joining more than 200 organizations that affirm the need for adequate time for a fair and complete count. CHN also sent a letter to all Senators supporting the

inclusion of extensions for reporting apportionment counts and redistricting data in the COVID relief package or another timely package.

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### **In Blistering Ruling, U.S. District Judge Strikes Trump Administration’s Proposed SNAP Cuts**

A U.S. District Court has struck down an effort by the Trump Administration that could have cut SNAP benefits for 700,000 or more jobless Americans.

In a 67-page opinion [described](#) by the Washington Post as “scathing,” U.S. District Judge Beryl A. Howell criticized the U.S. Department of Agriculture for failing to justify or even address the impact of the Trump Administration’s proposal on states, particularly during the coronavirus pandemic, which has seen unemployment and hunger soar and SNAP recipients increase by 17 percent, or more than 6 million new enrollees.

Howell called the proposal “arbitrary and capricious” and said the proposal “at issue in this litigation radically and abruptly alters decades of regulatory practice, leaving States scrambling and exponentially increasing food insecurity for tens of thousands of Americans.”

He added that the Department of Agriculture “has been icily silent about how many [adults] would have been denied SNAP benefits had the changes sought...been in effect while the pandemic rapidly spread across the country.”

The proposal was one of three being pushed by the Trump Administration that would result in cuts to SNAP. Other proposals, still pending, would attempt to cap deductions for utility allowances and to limit access to SNAP for working poor families. In a [report published in November, 2019](#), the Urban Institute estimated that the three proposals combined would have led to 3.7 million fewer people receiving SNAP in an average month. Benefits would be reduced for millions more, and 982,000 students would lose automatic access to free or reduced-price school meals.

The rule struck down by Howell would have curtailed the ability of states to receive waivers during times of economic duress. Under SNAP guidelines, able-bodied adults without dependents, between the ages of 18 and 49, can receive benefits for a maximum of three months during a three-year period, unless they are working or enrolled in an education or training program for 80 hours a month.

States have been able to waive this time limit to ensure access to SNAP – counties with unemployment rates as low as 2.5 percent were included in waived areas. But the new rule would have tightened criteria for states applying for waivers, making 6 percent the minimum unemployment rate for a county to receive a waiver.

Howell’s ruling granted summary judgment to a coalition of 19 states, D.C., New York City, and a number of advocacy groups that had sued to stop the rule. In a statement, New York Attorney General Letitia

James called the decision “a win for common sense and basic human decency,” adding that the rule “would have not only made it harder for thousands to feed their families and risk them going hungry, but would have exacerbated the public health crisis we face and the economic recession we are still in the midst of under President Trump.”

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### **Advocates Oppose Proposed Rule That Could Harm Millions of Workers**

Tens of thousands of advocates submitted comments urging the U.S. Department of Labor to reject a proposed change that would make it easier for employers to classify workers as independent contractors. Proposed by the Trump Administration, the [rule](#) would give employers and corporations far more leeway in classifying workers as independent contractors instead of employees, allowing them to pay subminimum wages, hire child labor, avoid overtime pay, withhold health benefits, and undermine other labor protections. Millions of workers could be affected. It would also allow employers to avoid paying into Social Security and Medicare for these workers. [Advocates say](#) the rule ignores the language of the Fair Labor Standards Act and decades of court rulings, including by the U.S. Supreme Court. CHN joined with members the Economic Policy Institute, the National Employment Law Project, and others in opposing the proposed rule. Public comments on this rule are being [accepted](#) by the Department of Labor through 11:50pm ET on Oct. 26.

According to the New York Times, the Trump Administration is [preparing](#) to finalize numerous regulatory changes before Jan. 20 and is taking steps such as, “limiting or sidestepping requirements for public comment on some of the changes and swatting aside critics who say the administration has failed to carry out sufficiently rigorous analysis.”

If there is a change in control of the White House and the Senate after the upcoming election, the next Congress could more easily attempt to overturn some of the regulations put in to place in what would be the final days of the Trump Administration. Under the Congressional Review Act (CRA), Congress has 60 legislative days to review and override certain new regulations issued by federal agencies, with only a simple majority vote in the Senate and presidential approval. If a rule is overturned, the CRA also prevents agencies from enacting similar regulations again in the future unless specifically authorized by a subsequent law. The CRA was used by Congress and President Trump in 2017 to overturn several regulations put into place in the last few months of the Obama Administration.

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