

# Legislative Update



**November 2019**

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## **Progress on fiscal year 2020 health funding remains elusive**

With the federal government funded through Nov. 21 under a continuing resolution, the Senate continues to struggle to complete action on its version of the FY 2020 Labor-HHS-Education Appropriations bill. To date, Congress has not sent any of the FY 2020 bills to the president for his signature. While the House of Representatives has passed 10 of the bills to date, the full Senate has not passed any, though several have been reported out of the Senate Appropriations Committee. The continuing resolution also includes an extension of funding for several other important health care programs that were set to expire on Sept. 30, including the Community Health Centers and National Health Service Corps programs. The House passed the continuing resolution by a vote of [301-123](#), the Senate passed it by a vote of [81-16](#) and the president signed it on Sept. 27.

While the [House passed](#) its version of the FY 2020 Labor-HHS-Education appropriations bill (which was packaged with the FY 2020 Defense, State-Foreign Operations and Energy and Water appropriations bills) in June, and had the [strong support of APHA](#), the Senate Appropriations Committee has not been able to move forward with its version of the bill. The committee cancelled its scheduled markup of the bill after committee Democrats made clear that they planned to offer an amendment to overturn the administration's controversial changes to the Title X program, which would bar Title X-funded clinics from giving patients full and accurate counseling about their health care choices, including abortion. Controversy over the proposed amendment remains a major sticking point in moving the bill forward.

[Under the Senate draft](#), funding for the Centers for Disease Control and Prevention would increase by nearly \$180 million above FY 2019 levels, with most programs receiving level funding. One controversial provision in the Senate bill is the proposal to completely eliminate funding for the agency's Racial and Ethnic Approaches to Community Health program – [a proposal strongly opposed by APHA and many other health partners](#). In contrast, the [House bill](#) would provide a more than \$929 million increase for CDC programs, including a \$16 million increase for the REACH program, \$25 million in funding for CDC to undertake gun violence prevention research and a \$5 million increase for CDC's Climate and Health Program, among many other important increases. The Health Resources and Services Administration would receive an \$85 million increase under the Senate bill compared to a more than \$472 million increase under the House version of the bill.

On Oct. 23, 120 members of the CDC Coalition, led by APHA, and other supporting organizations sent a letter to [House](#) and [Senate](#) Appropriations Committee leaders urging them to include the higher House funding levels for CDC in any final FY 2020 appropriations bill. The Friends of HRSA, also led by APHA, sent a letter to House and Senate Appropriations Committee leaders on Nov. 1 urging the higher House levels for the agency in any final FY 2020 spending bill.

APHA urges all public health advocates to contact their members of Congress and [ask them to prioritize strong funding for public health programs in FY 2020](#).

### **Courts intervene in Trump administration's public charge rule**

Earlier this year, APHA and deans and scholars of leading public health schools filed a [brief](#) before the U.S. District Court for the Southern District of New York challenging the Trump administration's public charge rule. If allowed to go into effect, the rule would drastically broaden the definition of public charge to include the use of several public benefit programs, such as non-emergency Medicaid and housing subsidies, as negatively weighed factors in an individual's application for a green card or certain types of visas. The Trump administration claims that the proposed changes to the longstanding public charge policy would promote self-sufficiency among immigrant populations, but opponents of the rule cite significant evidence showing otherwise.

On Oct. 11, three federal judges issued temporary injunctions preventing the rule from taking effect on Oct. 15. Two judges in California and New York issued nationwide injunctions, while a judge in California limited her ruling to states within the Ninth District. On Oct. 15, federal judges in Illinois and Maryland issued two additional temporary injunctions. The U.S. Department of Justice is anticipated to appeal the rulings in the coming months.

### **Health organizations urge approval of tax incentives for clean energy**

On Oct. 2, APHA joined with Physicians for Social Responsibility and other leading health organizations in a [letter to House Ways and Means and Senate Finance Committee leaders](#) urging them to include tax incentives for clean energy as the

committees consider any potential tax package this year. The groups urged the leaders to consider clean energy tax incentives, which drive innovation and wider deployment of clean energy technologies, including energy storage, electric vehicles, renewable energy and energy efficiency. While it is unlikely Congress will take on comprehensive climate change legislation this year, it is quite possible that Congress may be able to pass bipartisan tax legislation, which provides a unique opportunity for the extension of critical clean energy tax incentives.

### **APHA's Benjamin joins former EPA Administrator McCarthy and Sen. Carper in support of EPA's Mercury and Air Toxics Standards**

On October 16, APHA Executive Director Georges Benjamin joined with former EPA Administrator Gina McCarthy and Sen. Tom Carper, D-Del., at a National Press Club [panel discussion](#) on the importance of maintaining the Environmental Protection Agency's Mercury and Air Toxics Standards for power plants. The event was co-sponsored by APHA and: the American Lung Association; Harvard University's Center for Climate, Health and the Global Environment; American University; American Academy of Pediatrics; and Children's Environmental Health Network. EPA has put forward a proposal that would undermine the rule by overturning the "appropriate and necessary" finding, claiming that the costs of regulating mercury and other toxic pollutants outweigh the benefits.

"The Mercury and Air Toxics Standards have been a true public health success in cleaning up mercury and other toxic air pollution from power plants. The tremendous health benefits of these standards cannot be overstated," [Benjamin said](#). "We cannot afford to undermine these critical standards that are protecting our children and other vulnerable populations from this dangerous pollution."

"Mercury pollution limits have been a success story for the economy and for public health," said Gina McCarthy, former EPA administrator and director of the Center for Climate, Health, and the Global Environment at the Harvard T.H. Chan School of Public Health. "An 89 percent reduction in the brain-damaging and life-threatening impacts of mercury has improved health outcomes for millions of kids, and it was accomplished without threats to reliable supplies of electricity or to affordable consumer prices."

Previously, APHA joined ALA and other health partners in [submitting comments to EPA](#) urging the agency to maintain the current MATS rule and opposing any efforts to undermine the rule.

### **APHA and partners host congressional briefing on public health implications of PFAS**

On Oct. 24, APHA joined with the National Environmental Health Association, the National Association of County and City Health Officials and the Association of Public Health Laboratories in hosting a briefing on Capitol Hill titled "What's In Your Water? Local, State and Federal Agencies Tackle PFAS and Water Protection."

There is evidence that exposure to perfluoroalkyl and polyfluoroalkyl substances can lead to adverse health outcomes in humans. PFAS are chemicals that have been used on non-stick cookware, stain-resistant carpets, water-repellent clothing, firefighting foam, canned goods, and even pizza boxes for the past 50 or 60 years. After humans ingest PFAS (by eating or drinking food or water that contains PFAS), the substances can accumulate in the body. Speakers at the briefing discussed what federal state and local agencies are doing to respond to PFAS, the need for additional research and how PFAS can be detected and contained once contamination is identified. Speakers included Patrick Breysse, PhD, CIH, Director of the National Center for Environmental Health and the Agency for Toxic Substance and Disease Registry at the CDC. You can read a [full summary of the briefing](#) on APHA's Public Health Newswire.

### **Advocacy sessions at the 2019 APHA Annual Meeting and Expo**

APHA is hosting two advocacy-related sessions at the Annual Meeting on Monday, Nov. 4. These sessions will provide public health professionals with valuable information and tools to refine their skills as effective public health advocates.

1 – 2:30 p.m., PCC 202B

#### [Advocacy in the current political climate: Know the rules and get involved](#)

This session is designed to help new and seasoned advocates understand the ethics and legalities related to lobbying and advocacy. The presentation will address common advocacy and lobbying restrictions for employees in non-profit organizations and government agencies and the activities that public health advocates can participate in regardless of their employer and/or profession.

3 – 4:30 p.m., PCC 202B

#### [Mobilizing a public health campaign](#)

This session will feature a panel discussion highlighting creative and innovative advocacy strategies and campaigns that organizations and communities have undertaken to advance evidence-based policy on issues where there is a lack of formal data, misinformation, "fake news", political resistance, and/or public stigma.

### **Additional APHA advocacy news**

Given the rapid pace of action in Washington, D.C., we wanted to highlight additional issues we have weighed in on recently. Those include:

- Public health organization letters to [First Lady Melania Trump](#) and [HHS Secretary Alex Azar](#) reiterating support for the administration's plan to ban all non-tobacco-flavored e-cigarettes, including mint and menthol flavors
- [Health organization letter](#) in support of H.R. 2694, the Pregnancy Workers Fairness Act of 2019
- [Health organization comments](#) in response to the request for comments on U.S. Food and Drug Administration's proposed rule to establish new required health warnings for cigarette packages and advertisements, "Tobacco Products; Required Warnings for Cigarette Packages and Advertisements"

- [APHA brief](#) filed in support of the ACLU's petition for certiorari in the Supreme Court of the United States in a case challenging a Kentucky law that imposes restrictions on the provision of safe and legal abortion without medical justification