Dear Colleague,

We urge you to cosponsor the Community Services Block Grant (CSBG) Reauthorization Act of 2019 (H.R. 1695) which renews the nation’s commitment to reducing poverty through an established network of more than 1,000 local Community Action Agencies that operate in virtually every county in the United States. For more than 50 years, CSBG has empowered Community Action Agencies to help local individuals identify obstacles and needs contributing to poverty in their communities and develop plans to address those needs, drawing on resources from all levels of government as well as the private sector. This bill would further enable their critical work by achieving three overarching goals:

- **Preserves and strengthens the time-tested core principles that have made Community Action unique for more than 50 years** – low-income participation, local control, comprehensive needs assessment, and strategic planning in collaboration with extensive community partners. The bill ensures continued support through the Community Services Block Grant for this network of local agencies and their holistic approach to identifying local causes of poverty and barriers to opportunity, and in designing solutions to address these local needs.

- **Reinforces and expands existing efforts to continuously improve the performance and management of Community Action at the federal, state, and local levels.** The bill ensures results-driven performance and accountability through more rigorous performance measurement at all levels. The bill strengthens provisions requiring federal evaluation of state programs, state monitoring of local agencies, and mandatory corrective action, including termination of local agencies that fail to correct deficiencies.

- **Invigorates the historic commitment of Community Action to innovation and evidence-based practice to ensure measurable results in reducing poverty.** Consistent with Community Action’s origin as a laboratory for innovation, the bill establishes a Community Action Innovations Program to allow agencies to replicate and expand practices that are proven effective, and to test innovative new approaches with potential for success. The bill encourages expansion of the evidence-based “two-generation” approach already in use by many agencies, and establishes a new grant for Community Action Agencies to address unmet needs in low-income communities affected by the opioid crisis.

Please see the [attached document](#) to review what has been preserved in this legislation compared to previous versions as well as what provisions have been added. If you have any questions or would like to be added as a cosponsor, please reach out to Patrick Maillet (Patrick.maillet@mail.house.gov) in Rep. Betty McCollum’s Office or Nick Rockwell (nick.rockwell@mail.house.gov) in Rep. Glenn Thompson’s Office.

Sincerely,

Betty McCollum                                      Glenn “GT” Thompson  
Member of Congress                                    Member of Congress
Highlights of the Community Services Block Grant Reauthorization Act of 2019

The Community Services Block Grant Reauthorization Act of 2019 renews the Nation’s commitment to reducing poverty through support for an established network of more than 1,000 local Community Action Agencies that operate in virtually every county in the United States. The bill achieves three overarching goals:

• *Preserves and strengthens the time-tested core principles that have made Community Action unique for more than 50 years* – low-income participation, local control, comprehensive needs assessment, and strategic planning in collaboration with extensive community partners. The bill ensures continued support through the Community Services Block Grant for this network of local agencies and their holistic approach to identifying local causes of poverty and barriers to opportunity, and in designing solutions to address these local needs.

• *Reinforces and expands existing efforts to continuously improve the performance and management of Community Action at the federal, state, and local levels*. The bill ensures results-driven performance and accountability through more rigorous performance measurement at all levels. The bill strengthens provisions requiring federal evaluation of state programs, state monitoring of local agencies, and mandatory corrective action, including termination of local agencies that fail to correct deficiencies.

• *Invigorates the historic commitment of Community Action to innovation and evidence-based practice to ensure measurable results in reducing poverty*. Consistent with Community Action’s origin as a laboratory for innovation, the bill establishes a Community Action Innovations Program to allow agencies to replicate and expand practices that are proven effective, and to test innovative new approaches with potential for success. The bill encourages expansion of the evidence-based “two-generation” approach already in use by many agencies, and separately authorizes a Community Action Opioid Response Grant Program to address unmet needs in low-income communities affected by the opioid crisis.

Summary of Provisions

*Establishes Solid Legislative Foundation for CSBG*

• Modernizes and reauthorizes the Community Services Block Grant for 10 years, at an annual level of $850 million for first five years and such sums as necessary for the subsequent five years.

*Streamlines Program Purposes and Maintains Flexibility*

• Establishes purpose of CSBG as reducing poverty through support for activities of Community Action Agencies that improve the economic security of low-income individuals and families and create new economic opportunities in the communities where they live.

• Specifies broad strategies to achieve program purpose, including by strengthening the ability of communities to identify local causes and conditions of poverty and opportunities to address them, empowering low-income people to participate in local antipoverty efforts, using innovative approaches and coordinating public and private resources, and broadening the range of resources available in local communities to reduce poverty.

*Reinforces Core Principles of Community Action*

• Ensures “maximum feasible participation” of low-income residents in planning local activities.
• Maintains requirement that each local agency governing board is broadly representative of local public and private stakeholders; strengthens board expertise and clarifies board responsibilities.
• Requires that local agencies design programs and set goals based on comprehensive community needs assessments that identify local causes and conditions of poverty; emphasizes importance of local strategic planning.
• Requires state-local consultation in designating new private nonprofit Community Action Agencies. Prohibits designation of new public agencies that may divert CSBG funds for broader local government purposes.
• Allows merger of existing Community Action Agencies or privatization of public agencies to improve quality of service, and makes one-time grants available to assist with initial costs.

Ensures Results-Driven Performance and Accountability at Federal, State, and Local Levels
• Requires federal, state, and local participation in management information systems that measure performance against benchmarks, including benchmarks for timely distribution of federal funds.
• Specifies management functions at each level, including for state lead agencies, and strengthens provisions for evaluation and monitoring of state and local programs.
• Provides for corrective action if deficiencies are found, including procedures for reducing or terminating funds to a local agency, and ending designation as an eligible entity if serious deficiencies are not corrected.
• Allows HHS to provide funds directly to a local agency if state withholds, reduces, or terminates funds to the local agency prior to completion of all state and federal review procedures.
• Subjects CSBG funds to uniform federal requirements governing administration, cost principles, and audits.

Promotes Innovation, Evidence-Based Practice, and Program Coordination
• Promotes innovation and use of evidence-based practice through a new Community Action Innovations Program, funded by 2% set-aside of state CSBG allotments. Program will support expansion or replication of proven evidence-based practices and testing of innovative approaches with demonstrated potential for success.
• Requires federal training and technical assistance to support use and building of evidence in reducing poverty, including through development or dissemination of clearinghouses or other information about evidence-based practices.
• Allows waivers of CSBG income eligibility standards if necessary to coordinate services across programs, and allows participating individuals to remain in a program or activity, regardless of criteria used to determine initial eligibility, if they are successfully progressing toward a goal.

Responds to Unmet Needs of Low-Income Communities Affected by Opioids
• Authorizes a new Community Action Opioid Response Grant Program to identify and respond to causes and consequences of opioid addiction by low-income individuals, families, and communities. Specifies Community Action Agencies as eligible applicants.
• Allows use of funds for range of activities related to prevention, treatment, and recovery from opioid addition; grant selection priorities include use of innovative or evidence-based approaches.
• Establishes separate authorization for opioid grant program of $50 million for each of FY2019 through FY2023 and such sums as necessary in FY2024 through FY2028.

Makes Additional Modernizations
• Retains current formula for allocating block grants, with an increased minimum for small states.
• Deletes recapture-of-unobligated funds language that has been consistently overridden by congressional appropriators.
• Deletes other obsolete or redundant language throughout the statute.
Section 1. Short Title
Establishes the short title of the bill as the Community Services Block Grant Reauthorization Act of 2019.

Section 2. Reauthorization
Amends the Community Services Block Grant Act to read as follows. (Italicized section numbers below refer to the CSBG Act itself.)

Section 671. Short Title
Establishes the short title of the Act as the Community Services Block Grant Act.

Section 672. Purposes
Establishes that the purposes of the Act are:

To reduce poverty by supporting activities of community action agencies that improve economic security of low-income individuals and families and create new economic opportunities in the communities where they live; and

To achieve the first purpose by: strengthening community capabilities to identify conditions of poverty and opportunities to alleviate such conditions; empowering low-income individuals and families to respond to their community’s needs through maximum feasible participation in activities under the Act; using innovative community-based approaches that produce a measurable impact on poverty, including two-generation approaches; coordinating public and private resources so they respond to local needs and conditions; and broadening resources directed to elimination of poverty, to promote partnerships among a wide range of private and public individuals and organizations.

Section 673. Definitions
Defines the following terms: Community Action Agency; Community Action Program Plan; Community Action Strategic Plan; Community Services Network Organization; Department; Eligible Entity; Evidence-Based Practice; Grantee; Performance Benchmark; Performance Measurement System; Poverty Line; Private Nonprofit Organization; Public Charity; Secretary; Service Area; and State.

Section 674. Establishment of Community Services Block Grant Program
Authorizes the Secretary to establish the CSBG program and make grants to states and territories to support local community action program plans carried out by eligible entities; and to carry out discretionary community programs under Sections 690 and 690A. Requires that funds appropriated under the Act are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, corresponding regulations, and other applicable federal laws and regulations related to administration of federally funded grants and cooperative agreements between states and nonprofit organizations or local governments.
**Section 675. Grants to Territories**
Requires the Secretary to apportion the amount reserved for territories on the basis of need, to Guam, American Samoa, the U.S. Virgin Islands, and Commonwealth of the Northern Mariana Islands.

**Section 676. Allotments and Grants to States**
Requires the Secretary, from appropriated amounts remaining after reservations for territories and certain federal activities, to make allotments to each eligible state (including Puerto Rico). Bases allotments on the relative amount each state received in FY1981 under the former Economic Opportunity Act of 1964. Establishes a minimum state allotment of ½ of 1%, rising to ¾ of 1% if the amount available for state allotments exceeds $850 million.

**Section 677. Payments to Indian Tribes**
Defines the terms “Indian” and “Indian Tribe or Tribal Organization” and requires the Secretary to award funds, that would otherwise be allotted to a state, directly to an Indian tribe or tribal organization, if the tribe or organization so requests and the Secretary finds that its members would be better served through a direct grant. Bases the amount awarded on the size of the tribe or organization’s population of eligible Indians, as a proportion of all eligible individuals in the state. Requires a tribe or organization that receives a direct award to submit a plan to the Secretary, and allows the Secretary to set alternative performance requirements for tribes and tribal organizations.

**Section 678. State Plans and Applications; Community Action Program Plans and Applications**
Requires states to designate a lead agency for CSBG, which, among other things, will develop the state plan based on the community action program plans of eligible entities in the state; help eligible entities conduct a comprehensive community needs assessment at least once every 3 years and develop their program and strategic plan; hold at least one public hearing on the proposed state plan; and hold a legislative hearing at least once every 3 years.

Requires states to submit to the Secretary, for approval, a state plan covering no more than 2 years. The plan must describe how CSBG funds will be used; summarize community action program plans; describe the performance measurement system in which the state and eligible entities will participate; include a plan for state oversight of eligible entities; assure that the state will pay eligible entities in advance; assure that an eligible entity’s funding will not be withheld, reduced, eliminated, or its designation as an eligible entity terminated, except under specified procedures or for cause determined by the state and approved by the Secretary; assure that each eligible entity has procedures for low-income individuals, community organizations, or religious organizations to petition for adequate representation on the entity’s board; describe the state’s requirements and support for each entity’s community action program plan, strategic plan, and comprehensive community needs assessment; and describe how the state will measure state and eligible entity performance in achieving their goals.

Requires states to adopt performance requirements and benchmarks for their performance measurement system, including performance measures for lead agency management quality;
annual performance benchmarks for statewide CSBG activities; and indicators of timely distribution and effective management of federal funds, compliance with state personnel and management requirements, and results of activities carried out by the state under the Act.

Requires the Secretary to notify the state of approval, disapproval, or partial approval of its application and plan within 30 days of receipt. In case of full or partial disapproval, the Secretary must describe changes necessary for final approval. In case of partial approval, the Secretary must allow use of funds for activities included in the approved portion. If a state application is not fully or partially approved by the end of the third month of the period covered by the plan, the Secretary must award funding directly to eligible entities and other community services network organizations, other than the state itself.

Requires that state plans and any plan revisions must be distributed for public inspection and comment. Provides that an application for a merger, combination, or privatization of an eligible entity is not considered a plan revision.

Requires each eligible entity to submit an application for state approval, containing a community action program plan covering no more than 2 fiscal years. The application must describe how the entity intends to implement activities, how the program will meet needs identified in the entity’s latest comprehensive community needs assessment, is consistent with its community action strategic plan, and achieves the purposes of the Act.

Requires each eligible entity to adopt performance benchmarks that include indicators of attainment of the entity’s goals and of timely and effective management of federal and other funds. Requires each entity to participate in a statewide performance measurement system.

**Section 679. State and Local Uses of Funds**
Requires states to reserve 2% of their block grant for a Community Action Innovations Program and to use no less than 90% of the remainder for subgrants to eligible entities. Also establishes a timetable for obligation and expenditure of subgrants. Requires states to use remaining funds for training and technical assistance to eligible entities and for administrative expenses, with a limit of 5% for administrative expenses, defined as costs incurred by the state’s lead agency for planning and management activities, including monitoring, oversight, and reporting.

With funds reserved for the Community Action Innovations Program, requires states to make awards to eligible entities, their associations, or consortia of such entities or associations, to facilitate innovation and use of evidence-based practice to reduce poverty conditions, including through two-generation approaches, and to disseminate project results. Provides that innovation funds will enable replication and/or expansion of innovative practices with demonstrated evidence of effectiveness, and/or testing of innovative practices to determine effectiveness. Provides that innovation funds may be used for resources or activities needed to replicate, expand, or test innovative and evidence-based practices, including for training and technical assistance, evaluation, data collection, and technology.

With funds awarded for subgrants, requires that eligible entities provide low-income individuals and families with opportunities to secure and retain meaningful employment, secure an adequate
education, make better use of income and build assets, obtain and maintain adequate housing and a healthy living environment, or obtain emergency materials or assistance to meet urgent individual or community needs. Further requires eligible entities to develop and maintain partnerships between the eligible entity and state and local public entities and private partners, establish linkages among organizations to avoid duplication and maximize resources, or make new community investments to reduce poverty.

Section 680. Eligible Entities and Tripartite Boards
Provides for designation and redesignation of eligible entities in unserved areas. Requires that the state lead agency will designate a new community action agency in consultation with local officials and organizations, and that the new agency will be an existing private nonprofit community action agency located reasonably close or contiguous to the unserved area. If no such agency exists, the new agency may be a private nonprofit located in or reasonably close to the unserved area. A new eligible entity must ensure that its governing board will meet the requirements of this section.

Provides for merger, combination, or privatization of eligible entities. If two or more eligible entities find their service areas can be more effectively served under a single agency or if a public eligible entity finds it would be more effective as a private nonprofit, the state must help implement the merger, combination, or privatization. The entities also may be eligible for incentive funds under Section 682. In case of a merger or combination, the state must provide to the merged or combined entity the amount of funding the individual entities would have otherwise received. If a state determines that a merged, combined, or privatized entity will be capable of conducting a program consistent with the areas’ comprehensive community needs assessments, the state must designate the merged, combined, or privatized entity without soliciting other applications.

Establishes that private nonprofit eligible entities must be governed by a tripartite board that fully participates in development, planning, implementation, oversight, and evaluation of the entity’s activities. Requires that one-third of board members are elected public officials or their representatives; no fewer than one-third are democratically selected representatives of the low-income community; and remaining board members represent business, industry, labor, religious, educational, charitable, or other significant private groups in the community. Board members must include or have direct access to individuals with expertise in financial management, accounting, and law; and boards must operate in compliance with federal tax-exempt requirements and applicable state laws.

Establishes that public eligible entities must ensure their programs, projects, and services are administered under the supervision of a tripartite board that fully participates in development, planning, implementation, oversight, and evaluation of the entity’s activities. Requires that no more than one-third of board members are local government employees or officials, including elected officials; no fewer than one-third are democratically selected representatives of the low-income community; and remaining board members represent business, industry, labor, religious, educational, charitable, or other significant private groups in the community. Board members must include or have direct access to individuals with expertise in financial management,
accounting, and law; and boards must comply with state requirements for open meetings, financial transparency, and open records policy.

Prohibits federal, state or local governments from requiring any changes in the internal governance of a religious organization that participates in the community services block grant program, except, for such organizations that are eligible entities, to comply with board composition requirements under this section.

Specifies operations and duties of tripartite boards. Requires that boards have legal and financial responsibility for administering and overseeing the eligible entity (for private nonprofit entities); establish officer terms and adopt a code of ethics; participate in comprehensive community needs assessments and develop a community action strategic plan and program plan; approve the eligible entity’s operating budget; review all major policies of the entity, including conducting (for private nonprofits) or participating in (for public organizations) annual performance reviews of the chief executive officer; assess the entity’s progress in carrying out the community action program plan and taking any corrective action; and adopting (for private nonprofits) or reviewing (for public organizations) personnel policies and procedures.

Section 681. Office of Community Services
Establishes the Office of Community Services in the Department of Health and Human Services, to be headed by a Director, and authorizes the Secretary, acting through the Director, to carry out the Act through grants, contracts, or cooperative agreements.

Requires the Secretary to publish annual federal performance benchmarks, including targets for timely apportioning and allotting funds to states, use of funds reserved for discretionary community programs, and implementing the Uniform Administrative Requirements, Cost Principles, and Audit Requirements.

Section 682. Training, Technical Assistance, and Related Activities
Requires the Secretary to use funds reserved for training, technical assistance, planning, evaluation, and performance management to help in building and using evidence to reduce poverty conditions, including through development and dissemination of information about evidence-based initiatives; professional development activities; performance measurement, reporting and data collection; and correcting program deficiencies. Further requires the Secretary to distribute certain reserved funds directly to community services network organizations and partners, including institutions of higher education, for professional development; activities to improve network organization practices; training for network organizations to effectively use place-based strategies and for coordinated investment and integrated service delivery; and activities that train network organizations in building and using evidence to reduce poverty and support effective administration of the Community Action Innovations Program.

Provides that 7.5% of reserved funds be available until the end of the second quarter of the fiscal year for which they are appropriated, to support the one-time costs of eligible entities that choose to merge, combine, or privatize.

Section 683. State Monitoring of Eligible Entities
Requires states to review eligible entities to determine if they meet performance benchmarks, administrative standards, financial management requirements, and other requirements under the Act. States must conduct a full on-site review of each eligible entity at least once every 3 years; an on-site review of each newly designated eligible entity immediately after its first year of receiving funds under the Act; follow-up reviews within a calendar quarter for entities that fail to meet the Act’s requirements; and other reviews as appropriate.

Section 684. Evaluations; Corrective Action; Withholding, Reduction, or Elimination of Funding

Requires the Secretary to conduct evaluations, in no fewer than one-third of states each year, of state compliance with the Act. The Secretary must report to each state on the results of its evaluation, including recommendations for improvement and, in case of a serious deficiency, a proposed corrective action plan. Within 45 days, states must submit a plan of action in response to any recommendations for improvement, and must either agree to the Secretary’s proposed corrective action plan or propose a different plan, subject to approval by the Secretary.

Authorizes the Secretary to withhold all or a portion of funding that may be used for a state’s administrative expenses, and to prohibit the state from using other funds under the Act for such expenses, if an evaluation shows the state has failed to meet requirements under the Act. After a final determination of failure to comply, the Secretary, after giving notice and opportunity for a hearing, may begin proceedings to reduce or eliminate the state’s block grant funding. If this results in reduction or elimination of funding for a state’s administrative expenses, the Secretary may prohibit the state from using other funds under the Act for these purposes until the state corrects its failure to meet requirements.

If the Secretary reduces or eliminates block grant funding after a final decision that a state has failed to comply with the Act, or if a state fails to participate in the block grant program by either not submitting a plan or submitting a plan that does not meet the Secretary’s requirements, or if a state otherwise chooses not to receive funding under the Act, or if a state fails to obligate and make funds available to any eligible entities for a fiscal year, the Secretary must award funds directly to affected eligible entities or, for statewide activities, to community service network organizations other than the state itself.

Requires states to inform an eligible entity of any serious deficiencies found during a monitoring review or audit and to provide technical assistance for corrective action; also requires the entity to develop a corrective action plan subject to the state’s approval. Upon a final decision by the state that an eligible entity has failed to comply with a corrective action plan, the state may begin proceedings to withhold, reduce, or eliminate funding (and terminate the entity’s designation), after giving notice and opportunity for a hearing. The Secretary may review the state’s decision, and must review the decision upon request by a community services network organization. Establishes a timetable for states to submit documentation and the Secretary’s review.

If the Secretary finds that a state has violated its state plan and has withheld, reduced, or eliminated funding to an eligible entity or terminated its designation prior to the completion of procedures required under its state plan, the Secretary must award funds directly to the affected entity or entities until the violation is corrected by the state.
Section 685. State and Local Fiscal Controls, Audits, and Withholding
Requires states to establish necessary fiscal control and fund accounting procedures; to prepare an independent audit of expenditures under the Act at least once each year; and to make appropriate records available to the Secretary and the Comptroller General of the United States. Establishes provisions related to special audits in case of a serious financial deficiency, repayment of improperly spent funds, response to complaints, and investigations.

Section 686. Accountability and Reporting Requirements
Requires states to participate, and ensure participation by eligible entities, in a performance management system satisfactory to the Secretary, by October 1, 2019. Requires states to submit a report to the Secretary by March 31 each year on performance by the state and eligible entities, including achievement of state and local performance benchmarks. Requires that state annual reports include an accounting of the expenditure of funds received under the Act; the number and characteristics of participants served under the Act; a summary of training and technical assistance offered by the state; information on the total budget and activities of the state’s eligible entities; detailed information on the state’s Community Action Innovations Program; and a report on state and local implementation of results-oriented management practices.

Requires the Secretary, by September 30 each year, to prepare a report that includes information from the state annual reports, reports on the Department’s performance in meeting federal benchmarks, and describes training and technical assistance funded by the Secretary. The Secretary must submit these annual reports to the House Education and Labor Committee and the Senate Health, Education, Labor, and Pensions Committee.

Section 687. Limitations on Use of Funds
Prohibits use of funds for the purchase or improvement of land, or the purchase, construction, or permanent improvement of buildings or facilities, except to a limited extent under the Community Action Innovations Program or unless the Secretary grants a waiver. Also prohibits entities that administer activities under the Act or their employees from engaging in political activities and prohibits use of funds for voter registration activities. Prohibits discrimination on the basis of race, color, national origin, or sex and applies antidiscrimination provisions of the Age Discrimination Act, section 504 of the Rehabilitation Act, and title II of the Americans with Disabilities Act. Specifies enforcement roles for the Secretary and Attorney General.

Section 688. Drug and Child Support Services and Referrals
Provides that the Act does not prohibit a state from administering drug tests for program participants, allows funds reserved for administrative expenses to be used for these tests, and requires referral of participants with positive test results to rehabilitation and treatment. Requires eligible entities to inform custodial parents in single-parent families who participate in entity activities about the availability of child support services and refer eligible families to state and local child support offices.

Section 689. Regulations
Requires the Secretary to promulgate regulations to implement the Act, including regulations for state plans and community action program plans, state monitoring of eligible entities, and annual
state reports to the Secretary. Requires the Secretary to issue guidance regarding state and local performance management systems and, in consultation with community service network organizations, to develop state management performance benchmarks. Requires the Secretary to provide guidance for comprehensive community needs assessments, including methods for preparing an analysis of local poverty conditions and assets for alleviating those conditions.

Section 690. Discretionary Community Programs
Authorizes the Secretary to directly administer programs for Community Economic Development, Rural Community Development Activities, and Neighborhood Innovation Projects. Requires that these activities be evaluated and that costs of evaluation be provided through a set-aside of funds or separate grant under this section. Requires the Secretary to report annually on these activities to the House Education and Labor Committee and Senate Health, Education, Labor, and Pensions Committee.

Section 690A. Community Action Opioid Response Grant Program
Authorizes the Secretary to establish a Community Action Opioid Response Grant Program, intended to expand and support local efforts to identify and respond to causes and consequences of opioid addiction by low-income individuals, families, and communities. Specifies community action agencies as entities eligible to apply for a grant, and authorizes funds to be used for public education; outreach and identification of individuals at-risk, and referral to treatment, recovery, and other resources; direct services to prevent, treat, or recover from addiction; services related to education, employment, housing, transportation or other needs of at-risk or addicted individuals and their families; services to address and mitigate impact of addiction on children in the household; services for children, and their caregivers, in foster care or at-risk of placement because of a parent’s addiction; development of partnerships to coordinate or expand resources available to addicted individuals and their families; and training for community action agency personnel. Establishes other provisions, including the size and duration of grants, reporting requirements, grant application review and award process, and selection priorities.

Section 691. Authorization of Appropriations
For all activities under the Act, except Discretionary Community Programs (section 690) and the Community Action Opioid Response Grant Program (section 690A), authorizes $850 million to be appropriated for each of fiscal years 2019 through 2023 and such sums as may be necessary for each of fiscal years 2024 through 2028. Of amounts appropriated, requires the Secretary to reserve ½ of 1% for grants to territories and 2% for training, technical assistance, and related activities as specified under section 682.

For Discretionary Community Programs (section 690), authorizes appropriations of such sums as may be necessary for each of fiscal years 2019 through 2028.

For the Community Action Opioid Response Grant Program (section 690A), authorizes $50 million for each of fiscal years 2019 through 2023 and such sums as may be necessary for each of fiscal years 2024 through 2028.

Section 692. References
Provides that any references in law to the poverty line or community action agency under the Economic Opportunity Act or an outdated provision of the Community Services Block Grant shall be deemed to be references to such terms or agencies as now defined in the Act.

**Section 3. Transition Period**
Requires the Secretary to establish a transition period for implementing changes required by the Community Services Block Grant Reauthorization Act of 2019, including requirements related to adoption of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements. The transition period must end no later than three months before the start of the second fiscal year after enactment.

**Section 4. Conforming Amendments**
Makes technical conforming amendments to the Older Americans Act.
Introduction to Community Action and the Community Services Block Grant

What is Community Action? What makes it unique?

• Each CAA is governed by a broadly representative “tripartite” board, with mandatory representation from the low-income community, local elected officials, and a wide array of public and private community stakeholders. These include businesses, schools, faith-based organizations, and numerous others with the capacity to create jobs and opportunities for low-income individuals and families.

• Each CAA conducts a comprehensive assessment of needs in its local community, which guides decisions about programs and services. The assessment identifies local causes of poverty and barriers to self-sufficiency, and effective and innovative ways to address these issues. CAAs do not operate one particular type of program or serve one particular age group. Community Action is holistic and comprehensive in responding to the full range of challenges facing low-income people.

• Each CAA operates through partnerships with numerous public and private sector organizations, so that local communities benefit from a broad but coordinated range of resources and initiatives. These resources also include thousands of volunteers who believe in Community Action and donate their time and talent to their local CAA.

• CAA’s are trusted organizations with long-standing relationships and deep roots in the community. They give a voice to local residents and community stakeholders in decisions that affect them. They are a key partner and resource for local governments and private entities seeking innovative ways to address the causes and effects of poverty. And, their flexibility and close ties in the community make them uniquely able to respond quickly to emergencies and urgent needs.

What is the Community Services Block Grant? Why is it critical to Community Action?

The Community Services Block Grant (CSBG) is the only federal program with the explicit and overarching goal of reducing poverty, regardless of its cause. CSBG pursues this goal by providing critical funding to the nationwide network of local CAAs and supporting their locally-driven comprehensive approach to fighting poverty. The federal government allot grants to states, and states retain a small portion of oversight, monitoring, technical assistance, and statewide initiatives. The majority of funds – at least 90% of each state’s allotment – must be passed through to local agencies. CAAs receive and administer other resources in addition to these CSBG grants, which typically form a small component of their overall budgets. Why is CSBG essential to Community Action?

• The CSBG Act defines, supports, and enforces the unique features of Community Action. Local agencies must meet federal requirements to be formally designated as a CAA and to receive CSBG funds. These requirements ensure that low-income individuals and others in the community have a voice in planning and overseeing local programs, that initiative respond to documented needs, and that resources are coordinated and used effectively. States use their portion of CSBG funds to monitor local agency performance and coordinate anti-poverty resources statewide.

Virtually every county in the United States has a Community Action Agency (CAA), a local organization charged by the federal government with the sweeping mission of fighting poverty. About 1,000 such agencies exist nationwide. They help ensure a safety net for low-income individuals and families, but even more importantly, they create opportunities for people to move from poverty to independence. CAAs address local causes of poverty with input from the entire community, including the low-income people they serve. They are distinct from other local organizations in critically important ways.
• CSBG is the only dedicated funding source the supports core Community Action functions. CAAs are highly successful at leveraging their small CSBG allotments to obtain a wide array of other public and private resources for their communities. This success results from their formal designation as Community Action Agencies and from the extensive efforts of their staff and board members in conducting needs assessments, identifying resources, writing grant applications, and coordinating with community partners. CSBG funds support these critical activities, along with basic agency operations and infrastructure. Notable, the Urban Institute reported in 2012 that administrative costs of CAAs are relatively low.

• CSBG provides flexible funds to support gap-filling activities that address unmet needs, innovative initiatives to combat poverty and promote self-sufficiency, and rapid responses to local emergencies. CAAs identify causes and conditions of poverty that may not be addressed by an existing program or for which existing resources are not adequate. CSBG funds are used alone and in combination with other resources to support and strengthen important antipoverty initiatives that would not be possible otherwise.

What does a typical CAA look like? What services do CAAs provide?

CAAs exist in almost every community in the U.S, and they are as diverse as the communities they serve. Community Action is locally controlled and responds to local needs, which means there is no “typical” CAA. Many factors dictate what an individual agency looks like, including whether it serves an urban or rural area, the condition of the local economy, availability of other community resources, and the demographic profiles of low-income residents.

A critical serve for a rural area with an aging population might be transportation or home-delivered meals, while an urban area with young families might need child care and job skills training for young parents. English language classes might be important in areas with immigrant populations. Areas with high rates of homelessness might benefit from partnerships between CAA’s and local housing authorities to develop supportive housing for homeless clients. In practice, CAA’s serve a complex population with multiple needs, and each agency oversees a wide range of programs.

• CSBG provides flexible funds to support gap-filling activities that address unmet needs, innovative initiatives to combat poverty and promote self-sufficiency, and rapid responses to local emergencies. CAAs identify causes and conditions of poverty that may not be addressed by an existing program or for which existing resources are not adequate. CSBG funds are used alone and in combination with other resources to support and strengthen important antipoverty initiatives that would not be possible otherwise.

• As designated eligible entities with core funding from CSBG, CAAs are able to compete successfully for diverse resources. CAAs depend on CSBG for essential core funding and support, and they use these grants to identify community needs and put together a mix of public and private resources that respond to those needs. Local agencies are often known for the specific programs and services they provide, regardless of whether they are funded by CSBG or another source. The CSBG Act plays a crucial “behind-the-scenes” role that establishes the Community Action approach and makes it possible for the nationwide network of CAAs to exist; however, clients and community members might not realize that core funding for their local CAA comes from CSBG.

• CAA’s receive some support from states, in addition to the CSBG grants they are required to pass through, and from local governments and the private sector. States assist local agencies most often in the areas of housing and homelessness, nutrition, child care and early childhood education, senior services, transportation, and services. Private resources take the form of cash contributions, donated goods and in-kind services provided by volunteers, client fees, and payments for goods and services made by private entities.

• CAAs administer numerous federal programs that address specific needs of low-income people. CAAs administer different programs depending on local community needs. Federal programs most frequently run by CAAs include Head Start, Weatherization, LIHEAP, USDA food programs, HUD housing and homelessness programs, and the Older Americans Act. CAAs also often administer TANF funds, Community Development Block Grant funds, DOL employment and training funds, and resources from FEMA, the Department of Transportation, and the Corporation for National and Community Services.
CSBG received an appropriation of $725 million in FY2019. Based on most recent data available (FY2016):

- 1,005 local agencies were designated as eligible entities in 50 states, DC, and Puerto Rico; 99% of American counties were served.
- Resources administered by the CSBG network totaled $13.8 billion, including $667 million in CSBG funds.
- For each $1 of CSBG funds allocated directly to local agencies, the network leveraged an additional $20 in combined federal, state, local, and private resources.
- Local agencies served almost 16 million individuals in almost 7 million families, most with incomes below 125% of poverty and nearly a third with incomes below 50% of poverty.
MEMORANDUM

To: David Bradley
Chief Executive Officer
National Community Action Foundation

From: Eleanor Evans, Esq.
Executive Director/General Counsel
Community Action Program Legal Services, Inc. (CAPLAW)

Date: January 24, 2019
Re: The Community Services Block Grant (CSBG) Act and Charitable Choice

Question

What legal or practical effect would removing the charitable choice language currently in the CSBG Act (42 U.S.C. § 9920) have on participation by faith-based organizations in the CSBG program?

Answer

Removal of the charitable choice language currently in the CSBG Act would have little, if any, legal or practical effect on participation by faith-based organizations in the CSBG program.

Legal Effect

The U.S. Department of Health and Human Services (HHS) has promulgated regulations that provide protections for faith-based organizations in HHS social service programs (45 C.F.R. Part 87, “Equal Treatment for Faith-Based Organizations”). The protections of Part 87 are functionally equivalent to those specified in the CSBG Act’s charitable choice provision (42 U.S.C. § 9920) and the HHS regulations implementing that provision (45 C.F.R. Part 1050, “Charitable Choice under the CSBG Act Programs”).

For example, Part 87, like the CSBG Act provision and Part 1050, specifies that: (1) faith-based organizations are eligible, on the same basis as other organizations, to participate in HHS programs; (2) a faith-based organization’s exemption from the federal prohibition on employment discrimination on the basis of religion set forth in Title VII of the Civil Rights Act of 1964 is not forfeited when the organization receives HHS financial assistance;¹ (3) a faith-based organization participating in HHS-funded programs

¹ Note that federal courts interpreting the Title VII religious exemption have determined that a religious organization that receives federal funds does not waive its eligibility for the exemption. See, e.g., Hall v. Baptist Mem’l Health Care Corp., 215 F.3d 618, 625 (6th Cir. 2000) and Lown v. Salvation Army, Inc., 393 F. Supp. 2d 223, 251 (S.D.N.Y. 2005). These courts reached this conclusion in situations where the funding was not subject to charitable choice language reiterating religious organizations’ eligibility for the exemption despite their receipt of federal funds.
will retain its independence from federal, state and local governments and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs; and (4) a faith-based organization may use space in its facilities to provide HHS-funded programs or services without removing religious art, incomes, scriptures or other symbols. 45 C.F.R. §§ 87.3(a), (c), and (f).

If the CSBG Act’s charitable choice provision were to be removed, participation by faith-based social service providers in the CSBG program would be covered under HHS’s general regulations protecting faith-based social service providers at Part 87. Technical corrections to HHS’s existing regulations repealing Part 1050 and deleting references to it in Part 87 would clarify that faith-based organizations participating in CSBG programs are protected under Part 87.

The current CSBG Act’s charitable choice provision states that neither the federal government nor a state or local government shall require a religious organization to alter its form of internal governance, except as provided in the CSBG Act’s provision on required board composition (42 U.S.C. § 9910). If the Act’s charitable choice provision were to be removed, this language should be retained and inserted in the section on required board composition.

Practical Effect

Despite the fact that the CSBG Act has contained a charitable choice provision for many years, faith-based organizations make up only a very small percentage of entities receiving CSBG funds. Thus, the charitable choice provision has not resulted in a large influx of faith-based organizations to the program that would be jeopardized if the provision were to be removed. Moreover, as noted above, removing the Act’s charitable choice provision will not reduce legal protections for faith-based organizations participating or seeking to participate in the CSBG program or make it more difficult for them to obtain CSBG funding.
MEMORANDUM

July 16, 2019

To: Honorable Betty McCollum
    Attention: Patrick Maillet

From: Edward C. Liu, Legislative Attorney, eliu@crs.loc.gov, 7-9166

Subject: Comparison of HHS and CSBG Charitable Choice Regulations

This memorandum responds to your request for a comparison of the charitable choice regulations applicable to the Community Services Block Grant program (CSBG) within the Department of Health and Human Services (HHS) and similar regulations that are applicable to other HHS social service programs generally.

Background

Pursuant to the Community Services Block Grant Act (CSBG Act), CSBG provides “assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient.” Section 679 of the CSBG Act provides for the participation of religious organizations in CSBG. HHS has issued regulations, codified at Part 1050 of Title 45 of the Code of Federal Regulations, “clarify[] Federal, State, and local authority to use religious organizations to provide benefits and services” under CSBG. Separately, HHS has also issued regulations codified at Part 87 of Title 45 of the Code of Federal Regulations that set forth similar, but not identical, provisions regarding participation by religious organizations in HHS programs generally. However, the Part 87 regulations largely exempt CSBG from coverage under that part, leaving that program governed primarily by Part 1050, subject to exceptions as discussed below.

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1 For more information on the Community Services Block Grant program, see CRS Report RL32872, Community Services Block Grants (CSBG): Background and Funding, by Libby Perl.
3 42 U.S.C. § 9901(1)
4 Id. § 9920.
7 45 C.F.R. § 87.2(b) (“Block grants governed by the CSBG Charitable Choice regulations at 45 CFR part 1050 are not subject to this part, with the exception that §§ 87.1 and 87.3(i) through (l) do apply to such CSBG block grants.”).
Comparison of Part 87 and Part 1050

You have asked CRS for a comparison of the requirements for religious organizations under Part 87 and Part 1050. Both parts generally provide that religious organizations shall be eligible for the grants and other programs covered by the respective regulations, on the same basis as any other organization. Religious organizations that participate in a program governed by either Part 87 or Part 1050 retain their independence from federal, state, or local governments. At the same time, both parts prohibit direct federal funds from being used for explicitly religious activities, and also require religious activities to be offered separately, in time or location, from directly federally funded programs or services. Religious organizations receiving federal funding may not discriminate amongst beneficiaries based on religion. However, participation in a program governed by either part does not cause a religious organization to forfeit its exemption from the federal prohibition against religious discrimination in employment pursuant to Section 702(a) of the Civil Rights Act of 1964.

Although Part 87 largely defers to Part 1050 with respect to CSBG, in some cases, provisions of Part 87 are made explicitly applicable to CSBG. In some cases, Part 87 appears to either override similar provisions of Part 1050. For example, both parts define “direct” and “indirect” federal financial assistance, a classification that is central to determining which obligations and restrictions a religious organization must comply with. Part 1050 defines “[d]irect funding, directly funded or funding provided directly” to mean funding that is provided to an organization directly by a governmental entity, as opposed to funding that an organization receives as a result of the genuine and independent private choice of a beneficiary. Similarly, Part 87 defines the terms “direct Federal financial assistance, Federal financial assistance provided directly, direct funding, and directly funded” to mean an arrangement in which the government selects the provider of program services via a contract, grant, or cooperative agreement. By default, federal financial assistance shall be treated as direct, unless it meets the definition of “indirect” federal financial assistance.

However, unlike Part 1050, Part 87 defines “indirect” more precisely. In addition to providing that federal financial assistance is provided “indirectly” if the choice of the service provider is made by the beneficiary, the government program must also be neutral towards religion and the beneficiary must have at least one adequate secular option under the program. Furthermore, receipt of federal financial assistance through sub-grants under state-administered programs is not considered indirect under Part 87. Part 87 specifically provides that its definitions apply to CSBG, apparently overriding the definition of “direct funding” in Part 1050.

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8 45 C.F.R. §§ 87.3(a), 1050.3(a).
9 Id. §§ 87.3(c), 1050.3(c).
10 Id. §§ 87.3(b), 1050.3(b).
11 Id. §§ 87.3(d), 1050.3(e).
12 Id. §§ 87.3(f), 1050.3(d) (citing 42 U.S.C. § 2000e-1(a)).
13 Id. § 87.2(b).
14 Id. § 1050.2.
15 Id. § 87.1(b).
16 Id.
17 Id. § 87.1(c)(1).
18 Id. § 87.1(c)(2).
19 Id. § 87.2(b).
In other cases, Part 87 imposes additional requirements for which no analogue is present in Part 1050. For example, Part 87 requires religious organizations participating in an HHS program that is supported by direct federal financial assistance to give written notice to beneficiaries or prospective beneficiaries of certain protections.\textsuperscript{20} Specifically, the notice must provide the following information:

1. The organization may not discriminate against beneficiaries or prospective beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;
2. The organization may not require beneficiaries to attend or participate in any explicitly religious activities that are offered by the organization, and any participation by beneficiaries in such activities must be purely voluntary;
3. The organization must separate in time or location any privately funded explicitly religious activities from activities supported by direct Federal financial assistance;
4. If a beneficiary or prospective beneficiary objects to the religious character of the organization, the organization will undertake reasonable efforts to identify and refer the beneficiary to an alternative provider to which the beneficiary has no objection; however, the organization cannot guarantee that in every instance an alternative provider will be available; and
5. Beneficiaries or prospective beneficiaries may report violations of these protections, including any denials of services or benefits that violate these regulations, by contacting or filing a written complaint with the HHS awarding entity.\textsuperscript{21}

Part 87 also requires religious organizations to refer beneficiaries with objections to the religious character of the organization to an alternate provider that the beneficiary does not object to.\textsuperscript{22} Neither of these provisions has a comparable analogue under Part 1050, but both are expressly made applicable to CSBG under Part 87.\textsuperscript{23}

Some provisions of Part 1050 also impose different obligations than are required under Part 87. For example, Part 87 generally permits a religious organization from commingling its own funds with federally provided funds, but provides that the restrictions on direct financial assistance will apply to all commingled funds.\textsuperscript{24} In contrast, Part 1050 generally requires all federally provided funds to be segregated from non-federal funds.\textsuperscript{25}

The major provisions of Part 87 and part 1050 are listed below in Table 1.

\textsuperscript{20} Id. § 87.3(i).
\textsuperscript{21} Id. § 87.3(i)(1).
\textsuperscript{22} Id. § 87.3(j)-(k).
\textsuperscript{23} Id. § 87.2(b).
\textsuperscript{24} Id. § 87.3(h)
\textsuperscript{25} Id. § 1050.3(f).
Table 1. Comparison of Part 87 and Part 1050 of Title 45 of the Code of Federal Regulations

<table>
<thead>
<tr>
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<th>Part 87</th>
<th>Part 1050</th>
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<tbody>
<tr>
<td>Applicability to CSBG</td>
<td>Does not apply to programs governed by Part 1050, except that definitions, notice, and referral provisions do apply to such programs. 45 C.F.R. § 87.2(b)</td>
<td>Applies to all CSBG Act programs.</td>
</tr>
<tr>
<td>Definition of “Direct Funding”</td>
<td>Assistance is “direct” if government selects provider or if there are not any adequate secular provider options, 45 C.F.R. § 87.1(b).</td>
<td>Governed by Part 87</td>
</tr>
<tr>
<td>Eligibility of Religious Organizations</td>
<td>Faith-based or religious organizations are eligible, on the same basis as any other organization, to participate in any applicable program for which they are otherwise eligible. 45 C.F.R. § 87.3(a).</td>
<td>Same. 45 C.F.R. § 1050(a)(1).</td>
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<tr>
<td>Conduct of Religious Activities</td>
<td>Prohibits explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), as part of the programs or services funded with direct financial assistance. If an organization conducts such activities, the activities must be offered separately, in time or location, from directly funded programs or services, and participation must be voluntary for beneficiaries. 45 CFR § 87.3(b).</td>
<td>Same. 45 C.F.R. § 1050.3(b).</td>
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<td>Independence</td>
<td>Participating religious organizations retain independence from government and may use space in their facilities without removing religious art, icons, scriptures, or other symbols; retain religious terms in its organization’s name; select board members on a religious basis; and include religious references in its organization’s mission statements and other governing documents. 45 C.F.R. § 87.3(c).</td>
<td>Same. 45 C.F.R. § 1050.3(c).</td>
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<td>Discrimination</td>
<td>Participating religious organizations shall not, in providing services or in outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. 45 C.F.R. § 87.3(d).</td>
<td>Same. 45 C.F.R. § 1050.3(e).</td>
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<td>Part 87</td>
<td>Part 1050</td>
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<tr>
<td><strong>Applicability of Civil Rights Laws</strong></td>
<td>Same. 45 C.F.R. § 1050.3(d).</td>
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<td>Participating by religious organization does not affect exemption from</td>
<td>Religous organizations are required to keep any Federal funds they receive for services segregated in a separate account from non-Federal funds. 45 C.F.R. § 87.3(f).</td>
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<td>prohibition against employment discrimination on the basis of religion</td>
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<td>under Section 702(a) of the Civil Rights Act of 1964. 45 C.F.R. § 87.3(f).</td>
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<td><strong>Segregation of Funds</strong></td>
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<td>If a recipient contributes its own funds in excess of those funds</td>
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<td>required by a matching or grant agreement to supplement HHS awarding</td>
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<td>agency-supported activities, the recipient may segregate or commingle</td>
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<td>them with the Federal award funds. If the funds are commingled, the</td>
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<td>provisions of this section shall apply to all of the commingled funds</td>
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<td>in the same manner, and to the same extent, as the provisions apply to</td>
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<td>the Federal funds. 45 C.F.R. § 87.3(h).</td>
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<td><strong>Notice to Beneficiaries</strong></td>
<td>Governed by Part 87</td>
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<td>Participating religious organizations supported by direct Federal</td>
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<td>financial assistance must give written notice to beneficiaries or</td>
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<td>prospective beneficiaries of certain protections. This written notice</td>
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<td>must be given to beneficiaries prior to the time they enroll in the</td>
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<td>program or receive services from such programs, or at the earliest</td>
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<td>available opportunity after service is provided. 45 C.F.R. § 87.3(i).</td>
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<td><strong>Alternate Provider Referrals</strong></td>
<td>Governed by Part 87</td>
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<td>If a beneficiary objects to the religious character of an organization</td>
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<td>that provides services in the United States under the program, that</td>
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<td>organization must promptly undertake reasonable efforts to identify and</td>
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<td>refer the beneficiary to an alternative provider to which the</td>
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<td>beneficiary has no objection. 45 C.F.R. § 87.3(j).</td>
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**Source:** 45 C.F.R. §§ 87.1-87.3; 1050.1-1050.3.
Become a Co-Sponsor of H.R. 1695
The Community Services Block Grant Reauthorization Act of 2019

- Purpose: To reauthorize and modernize the Community Service Block Grant (CSBG) Act with a 10-year reauthorization.
- H.R. 1695 is largely based on the reauthorization introduced in the 115th Congress (H.R. 5365).
- H.R. 1695 streamlines the program’s stated purpose: to reduce poverty through support for Community Action Agencies that improve economic security of low-income individuals and families and create new opportunities in the communities where they live.
- H.R. 1695 authorizes a new federally administered Community Action Opioid Response Grant that will enable Community Action Agencies to fill service gaps and respond to unmet needs of low-income individuals, families, and communities affected by the opioid crisis.
- H.R. 1695 reinforces core Community Action principles of low-income participation, local control, and comprehensive community needs assessment to inform strategic planning.
- H.R. 1695 ensures results-driven performance and accountability through federal, state, and local benchmarks and performance measurements
- H.R. 1695 empowers local agencies to be laboratories for innovation and use evidence-based practices in combatting poverty.
Become a Co-Sponsor of H.R. 1695
The Community Services Block Grant Reauthorization Act of 2019

- Original sponsors: Betty McCollum (D-MN), Glenn Thompson (R-PA), Elise Stefanik (R-NY), and Marcia Fudge (D-OH).

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