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April 16, 2025

The Honorable Robert F. Kennedy Jr.
Secretary
Department of Health and Human Services
200 Independence Avenue S.W.
Washington, D.C. 20201

Dear Secretary Kennedy:

I write to express my grave concern at learning that the entire staff responsible for setting federal poverty guidelines within the Department of Health and Human Services' (HHS) Office of the Assistant Secretary for Planning and Evaluation (ASPE) has been terminated.¹ Without dedicated and expert staff ensuring these updates are done in a timely and accurate manner, disruptions to service delivery are inevitable.

In the *Omnibus Budget Reconciliation Act of 1981* (1981 OBRA), Congress provided the authority and obligation for HHS to update annually (or more frequently as determined necessary by the Secretary) the calculation of the poverty line, as defined by the Office of Management and Budget (OMB) based on the most recent data available from the U.S. Bureau of the Census (Census Bureau).² As directed under the 1981 OBRA statute, HHS uses the poverty threshold calculations from the Census Bureau to create the poverty guidelines,³ which are then used to determine eligibility across a wide range of federal programs administered by HHS. These programs include but are not limited to: Medicaid, Medicare Part D Low Income Subsidies, the Children's Health Insurance Program (CHIP), the *Older Americans Act* Nutrition Programs, Head Start, the Community Services Block Grant, and the Low

¹ Arthur Allen, "Trump HHS Eliminates Office That Sets Poverty Levels Tied to Benefits for at Least 80 Million People", KFF Health News (Apr. 11, 2025), <https://kffhealthnews.org/news/article/asper-hhs-federal-poverty-guidelines-level-team-fired-medicaid-snap-wic/>.

² Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35, Title VI, § 1A683(a), 95 Stat. 357, 519. See 42 U.S.C. § 9902(2).

³ Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, "Frequently Asked Questions Related to the Poverty Guidelines and Poverty" (last visited April 11, 2025), <https://asper.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/frequently-asked-questions-related-poverty-guidelines-poverty>.

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Income Home Energy Assistance Program.⁴ In addition, the guidelines determine eligibility for numerous programs across the federal government, including programs within the Department of Agriculture, the Department of Education, the Department of Energy, the Department of Homeland Security, the Department of Labor, and the Department of Treasury.⁵

Any staffing changes that disrupt HHS' ability to fulfill its statutory obligations, including setting and regularly updating the federal poverty guidelines, contradict congressional intent. For decades, Congress has legislated based on the understanding that the guidelines would be maintained and that HHS would continue to meet its statutory responsibilities. Interrupting the production of this poverty measure risks interrupting promised services for millions of families, impacting low-income people, seniors, people with disabilities, children, and pregnant women.

I oppose the unilateral action that would disrupt the production of this crucial measure of poverty and threaten assistance for our nation's struggling children and families. I urge you to immediately reinstate these career public servants who can reassume this important work.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member

⁴ U.S. Department of Health and Human Services, "Programs that Use the Poverty Guidelines as a Part of Eligibility Determination" (last visited Apr. 11, 2025), <https://www.hhs.gov/answers/hhs-administrative/what-programs-use-the-poverty-guidelines/index.html>.

⁵ *Id.*