



COALITION ON HUMAN NEEDS

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Humanitarian Crisis: Child Migrants Fleeing Central America Seek Safety in U.S.

Children, some as young as five years old, have been making the dangerous trip from Honduras, Guatemala, and El Salvador by themselves or with the help of paid smugglers. They have crossed the border and have been apprehended or turned themselves in to U.S. authorities. Large

numbers are fleeing violence in their native countries. Some are trying to escape poverty; some are seeking family members in the United States. Some 57,000 have entered this country so far this year, although the numbers coming in each week have started to decline. Republicans and Democrats alike have termed this a humanitarian crisis, and President Obama has sent Congress a [supplemental spending request](#) for \$3.7 billion to cope with the emergency need to house and care for the children and some adults, to handle their requests for asylum, and to beef up border enforcement. While Senate appropriators are poised to release their spending proposal in response to the President's request on Wednesday, July 23, the House is proceeding more slowly. Although Homeland Security Secretary Jeh Johnson [told Congress](#) that funds will start to dry up in mid-August, largely partisan divisions are making it unlikely that emergency funding will be approved before Congress leaves for its August recess.

"We're not giving the president a blank check," House Speaker John Boehner, R-Ohio, [said Wednesday, July 9](#). That is not what the President asked for, in submitting an emergency request with about \$1.5 billion for enforcement functions performed by the Department of Homeland Security, \$1.8 billion to the Department of Health and Human Services (HHS) to care for the children, \$64 million to the Department of Justice to hire more immigration judge teams and provide some children with legal representation services, and \$300 million to work with Central American countries to repatriate the children and/or ameliorate conditions that have led to their flight. But disagreements have emerged over the size and timing of the funding package, whether it should be paid for by deeper cuts in other areas, and whether policy changes should accompany increased funding.

While it is expected that Senate Appropriations Committee Chair Barbara Mikulski (D-MD) will release a funding proposal more or less similar to the President's request, without recommending changes in law to speed deportations, the House is far more likely to tie new funding to changes in the Trafficking Victims Protection Reauthorization Act, the bipartisan 2008 law that provides better protections for child migrants coming from countries not bordering the U.S. than are available for Mexican or Canadian children. That law, created to respond to trafficking of minors, requires that children apprehended by border authorities must be transferred to the care of HHS within 72 hours, with judicial proceedings initiated to evaluate claims that the children are escaping from violence. Children are housed temporarily in a group location, and then transferred as soon as possible to stay with families (either their own relatives or others) until their request to stay in the U.S. is heard. "To the greatest extent practicable," the law requires that unaccompanied children have counsel, both to represent them in legal proceedings but also to protect them in cases of mistreatment or exploitation (however, the law does not require the federal government to pay for counsel, and many children have been showing up before immigration judges without any legal help). In contrast, U.S. border agents can turn back Mexican children immediately if they do not judge them to have legitimate claims for asylum. Both the Obama Administration and some in Congress have sought some changes in the 2008 law so that border agents can treat children coming from non-contiguous countries the same as those coming from Mexico or Canada. But Majority Leader Reid (D-NV) and many other Senate and House Democrats have rejected tying the emergency funding to such changes in law.

Child advocates have opposed reducing the protections now afforded to the children entering from Honduras, El Salvador, and Guatemala. The organization [First Focus](#) has explicitly called for broadening the protections for children from Mexico, rather than speeding the deportation of this new influx of children. Advocates point to findings by the United Nations High

Commissioner for Refugees that nearly half of 404 children interviewed by them described being personally affected by gang and drug cartel violence. Such high numbers suggest strongly that many of the children seeking asylum here have good claims. If border officers can send them back to their country of origin without access to counsel or adequate investigation, children whose lives would be threatened if they return will be placed at high risk.

Once Chairwoman Mikulski shares her funding proposal, there will be calls to insert policy changes from both sides of the aisle, with the timetable for Senate floor action unclear. Speaker of the House John Boehner (R-OH) appointed Rep. Kay Granger (R-TX) to head a border crisis working group to make recommendations, which are somewhat delayed in coming. Rep. Granger describes the border situation as “an urgent crisis that must be dealt with immediately,” but her [press statement](#) describing the working group makes it clear that their goal is to prevent as many children from entering the U.S. as possible, and to return most of those who have already arrived. Speaker Boehner recently voiced doubts that Congress would be able to deal with the funding request before Congress recesses for all of August. A recent Congressional Budget Office preliminary assessment of the President’s supplementary funding request estimated that only \$25 million of the \$3.7 billion would be needed in the weeks remaining in the current fiscal year. That will tempt Congress to delay approval of the emergency funding until it passes a temporary spending measure to keep all appropriations going after October 1. That could make it less likely Congress will take up proposals to weaken protections in the 2008 law when it adds funding to cope with the child migrants. It may also make it harder for advocates to fight for inclusion of funding so that children do not languish in holding facilities without legal proceedings or transitions to an appropriate family setting.

Some in Congress are intent on spending more on border enforcement, even though most of these children have been apprehended. Some immigration reform opponents blame the Administration for sending the wrong message by allowing some young people who entered this country illegally as children to remain in the U.S. legally. However, to be eligible for this, young people have to have been in the country continuously since June 2007. Other reform opponents and right wing members seeking to reduce spending generally are looking to offset the costs of assisting the children with other cuts, although House Appropriations Committee Chair Harold Rogers (R-KY) has stated that no decisions about seeking offsets have been made. With FY 2015 funding set very low already, advocates, the Administration, and many in Congress strongly oppose paying for these emergency services with deeper cuts. Chairwoman Mikulski has said that her proposal [will not seek offsetting cuts](#), since she agrees with President Obama that the surge in child migrants is an emergency under the definition of the Budget Control Act of 2011.

Without more funds, thousands of children are likely to remain in holding facilities not intended to house them for any length of time, without needed services, and without enough judges to determine the merits of their claims for asylum. Congressional inaction, while the norm in this election year, threatens to harm thousands of children already in desperate circumstances.

House Uses Funding Meant for Unemployment to Pay for Highway Bill Patch

The House on Tuesday passed ([367-55](#)) a bill to fund road, bridge, and public transportation projects through May 2015, but they paid for the package with the same revenue sources the Senate had set aside to pay for its Emergency Unemployment Compensation (EUC) bill. The

Transportation Department had previously stated that, without congressional action, the federal Highway Trust Fund would run out of money in August, causing states to halt transportation projects around the country and causing 700,000 jobs to be lost. [H.R. 5021](#) replenishes the Highway Trust Fund for ten months at a cost of \$10.8 billion over ten years.

While advocacy groups agree that the loss of jobs and work stoppage associated with a lack of funds is unacceptable, they were also enraged the majority of the money used to pay for this bill was taken from the same sources (namely “pension smoothing” and customs user fees) that could have been used to restore unemployment benefits for the long-term jobless, an effort that is estimated to cost nearly \$10 billion for five months (the House bill would also transfer \$1 billion from a fund designed to clean up underground oil leaks to the Highway Trust Fund to make up the difference of the additional cost). This enragement was further fueled by the House passage last week of a permanent extension of the bonus depreciation tax break for businesses at a cost of \$287 billion, which was not paid for. For more information on the bonus depreciation tax cut, see the related article in this edition of the *Human Needs Report*. To leave your comments on this controversy, see last week’s [Head Smacker](#) post on our blog, [Voices for Human Needs](#).

The Senate is expected to take up H.R. 5021 this week. According to CQ, they are also expected to vote on two amendments – one which would replace the House bill with a very similar version of the bill previously passed by the Senate Finance Committee, and the other which would only top off the fund until December 2014 rather than May 2015. Sen. Mike Lee (R-UT) may also offer two partisan amendments which Democrats will likely reject, but which could slow down the process towards the bill’s passage. Members of Congress of both parties agree that a long-term fix for the fund is needed.

House Passes Bonus Depreciation Tax Break for Businesses

On July 25, the House passed ([258-160](#)) a bill to make permanent the bonus depreciation tax break for businesses ([H.R. 4718](#)). The bill will cost \$287 billion over 10 years and was passed without offsetting cuts or revenue increases to pay for the lost revenue the legislation will cause. A motion to limit the tax break to two years and deny the break to corporations that change their residency to overseas to avoid paying U.S. taxes (known as corporate “inversion”) was defeated ([191-229](#)). Depreciation allows companies to take a tax deduction for the cost of new equipment, software, and buildings as they lose value over time; bonus depreciation allows the deduction to be taken more quickly. As noted in the **June 17 *Human Needs Report***, bonus depreciation was originally passed in 2002 as a temporary measure, and then was passed again in 2008. It was extended several times before expiring at the end of 2013.

Many advocate groups, including [Citizens for Tax Justice](#), the [Center on Budget and Policy Priorities](#), and [Americans for Tax Fairness](#) opposed the bill on many levels. CTJ, for example, cited a July 7 report from the [Congressional Research Service](#) that showed that a large majority of businesses said the bonus depreciation tax break would have no effect on the timing of their investment spending and therefore is unlikely to help the economy. In addition, advocates noted (including in [an article on CHN’s blog](#)) the hypocrisy in Congress’ willingness to spend nearly \$290 billion on additional tax breaks for corporations without offsetting the cost while continuing to refuse to pass unemployment benefits for the long-term jobless at a cost of \$10

billion. The House has already passed several other permanent tax cut extender bills with large price tags, with several more having passed the House Ways and Means Committee (with a total cost of \$614 billion). None of them have been paid for.

For additional information, see the [June 17 *Human Needs Report*](#), and leave your comments on this inconsistency on CHN's blog, [Voices for Human Needs](#).

Workforce Innovation and Opportunity Act Signed Into Law

Legislation to update the federal workforce development system was signed into law by President Obama today. The Workforce Innovation and Opportunity Act (WIOA) will replace the Workforce Investment Act (WIA), which was originally passed in 1998 and has been overdue for reauthorization for over a decade. WIOA (H.R. 803) will provide job training and career services to youth and adults to help them prepare for work or additional education, find and keep jobs, and build the skills necessary for the 21st century. It will provide a wide range of services for low-income people and individuals with disabilities and other barriers to employment, improving access to high-demand, higher-paying jobs and career pathways out of poverty for many.

Among the [improvements](#) in WIOA is an increased focus on real-world education and job training opportunities through on-the-job and incumbent worker training, a stronger push to engage out-of-school and disadvantaged youth, and protections for migrant, seasonal, and Native American workers. It also streamlines program administration and applies one set of metrics to every program under the bill to ensure accountability and outcomes.

WIOA authorizes funding for programs covered by the bill from FY 2015 through FY 2020, with modest increases in the funding amounts every year. By FY 2017, funding for youth workforce investment activities would return to levels not seen since FY 2010. However, it's important to note that these are just authorized maximum levels of funding; actual funding will continue to be set through the annual appropriations process. Unless Congress changes existing spending caps and mandatory cuts under sequestration, funding for these programs remains at risk. For more specifics on the bill, see the [June 17 *Human Needs Report*](#).

The House passed the legislation in a near-unanimous vote ([415-6](#)) on July 9. The Senate also overwhelmingly passed the bill ([95-3](#)) on June 25, and the White House expressed support for the legislation through a [Statement of Administration Policy](#). While some advocates had hoped that an extension of unemployment benefits would be added on to the legislation, it was not.

Negotiated Version of Foster Care Youth Bill Introduced

On June 26, legislation focusing on the needs of older foster care youth, and increased protections against sex trafficking of foster youth, was introduced in the House and referred to the Committee on Ways and Means and the Committee on the Budget. Although a version of the bill passed the House in May (see [May 27 *Human Needs Report*](#)), the Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980) has resolved differences in a number of

previous bills in the House and Senate and is fully paid for. Senate Finance Committee Chairman Ron Wyden (D-OR) and Ranking Member Orrin Hatch (R-UT) collaborated with members of the House Ways and Means Committee on this measure.

Addressing a previous point of contention, the bill will require states to provide youth aging out of the foster care system with essential documents including a birth certificate, Social Security card, health records and accompanying insurance information, as well as a driver's license or recognized state ID. Currently, many youth leaving foster care receive little support or guidance towards employment or further education. Too often, they find themselves in low-wage jobs, victimized, incarcerated, or needing public assistance. Ensuring that they have essential documents will at least help youth aging out of foster care pursue a successful adult life. Other provisions promoting empowerment and independence include funding to enable foster care youth to participate in extracurricular activities with their peers and feel a sense of normalcy. While the system currently emphasizes the needs of younger children, this allocation would open opportunities for the growing number of older youth in the system to move towards responsible independence. It also increases adoption incentives for states, especially for older youth.

[H.R. 4980](#) also calls for improvements in tracking, screening, and reporting of foster youth that have gone missing and might have been the victims of sexual trafficking during that time. Advocates highlight that the state has vowed to protect these youth, and including protection from becoming victims of sex trafficking while within the system. Thus, the bill outlines the creation of a National Advisory Committee to provide research and recommendations for best practices to prevent sexual trafficking among foster youth. Normalcy funding outlined in the bill could help decrease the risk of trafficking, as youth have reported leaving their foster placement out of *boredom*. The inclusion of youth in casework planning beginning at age 14 can also help lower the risk by making them feel involved, empowered, and independent while still within the system.

As the bill has bipartisan support in both chambers of Congress, and is fully paid for with savings of \$1 million over five years, advocates hope to see the bill on President Obama's desk soon. However, amidst the current climate on Capitol Hill, the timing of movement on the bill is uncertain.