COALITION ON HUMAN NEEDS

The Human Needs Report

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White House Wants to Take Back Some Just-Approved FY 18 Funding

Despite the fact that Congress finally passed and the President signed an FY18 omnibus spending package just last month, the White House and some in Congress want to renege on the funding promises made within it. Office of Management and Budget Director Mick Mulvaney said the Trump administration will send spending cut requests, known as rescissions, to Congress in the next few weeks, with hopes of a vote in the House before July. These proposed cuts, which could total as much as $60 billion, could target both the $1.3 trillion FY18 omnibus package as well as unused funding from previous years. Mulvaney also said the administration could choose to do a series of rescission requests rather than submitting them all at once.

Once OMB sends a rescission request to Congress, Congress has 45 days to vote on all of it, part of it, or none of it, and rescissions can be passed with a simple majority in both chambers. According to *CQ*, even without congressional action, the funding proposed in the request is frozen for 45 days. And because the days are counted when Congress is in session, funds proposed for cancellation could be blocked for months, especially considering the congressional calendar in an election year. However, Congress can reject the rescissions sooner, and, if Congress takes no action to approve the rescissions, funding is reinstated at the end of the 45 legislative day period. While some members of the House support the idea of rescissions to cut nondefense spending, Senate Majority Leader Mitch McConnell (R-KY) and House Appropriations Chairman Rodney Frelinghuysen (R-NJ) have said they oppose it because it would violate the bipartisan agreement and make upcoming spending talks more difficult.

Advocates oppose rescissions because they are likely to target critical human needs programs that have faced years of cuts. As CHN noted in a statement when the omnibus passed, "Congress approved final spending levels that will reduce the erosion that has occurred in many human needs programs since 2010." Cancelling funding and reneging on bipartisan spending levels just months after they were passed would put low-income children and families in jeopardy of losing needed supports. For more information on the FY18 omnibus package, see CHN's FY18 budget resource page.

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FY19 Spending Season is Underway

Even though Congress wrapped up FY18 spending less than a month ago, FY19 planning is underway. While there appears to be more interest in producing a FY19 budget in the House, reports are that the Senate is less likely to do so. As the Bipartisan Budget Act of 2018, passed in February, provided sequester relief and set spending caps for both FY18 and FY19, there is less incentive for members of Congress to produce a budget for FY19. While Congress is technically required to adopt a budget resolution by April 15 each year, there's no penalty for not meeting the deadline or not producing a budget at all; in fact, according to *CQ*, Congress has only met this deadline four times since it became law in 1985. Failure to pass a FY19 budget does not stop Congress from working on and passing FY19 appropriations bills; however, it would mean Republicans could not use a special process known as reconciliation, which allows measures with a budgetary impact (like tax cuts, cuts to entitlement programs, or a repeal of much of the Affordable Care Act) to be passed in the Senate with only a simple majority instead of the usual 60-vote threshold required in that chamber.

Appropriations subcommittees in both the House and Senate have begun holding hearings on spending priorities. With a goal of avoiding another omnibus catch-all spending package for FY19, Senate GOP leaders said they would like to have the first of the 12 required spending bills passed by the chamber in early June. House Appropriations Chairman Rodney Frelinghuysen (R-NJ) said his committee will mark up that chamber's first spending bill on May 8. One possibility is that spending bills will be grouped in bundles, called "minibuses," to expedite passage, and that these could come to the House floor in June or July. It's possible that these timelines will slip, however, and many are already expecting that a stopgap spending bill will be needed to keep the government open from the time the new fiscal year begins on October 1 through sometime after the November elections.

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Balanced Budget Amendment Falls in the House

Advocates celebrated on April 12 when a vote in the House to amend the Constitution of the United States to require Congress to balance the federal budget every year failed to receive the votes needed for passage. The measure needed a two-thirds majority, or 290 votes, to pass, but only 233 representatives voted in favor of it. Only seven Democrats supported the balanced budget amendment; only six Republicans voted against it.

Advocates have fought against a balanced budget amendment for years, stating that it would be disastrous for low-income people because of the cuts it would force to programs that help people achieve basic living standards. Advocates particularly object to such an amendment now, just months after Congress voted to give away trillions of dollars in tax cuts to the wealthy and corporations. CHN joined more than 270 organizations in 2016 to oppose a balanced budget amendment and continues to oppose one now. Despite the fact that the measure failed in the House, the Senate is expected to take it up after the Memorial Day congressional recess. For more information on why a balanced budget amendment would be disastrous, see this blog.

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Farm Bill – with Harmful SNAP Provisions – Clears House Committee

A Farm Bill, which includes the legislation authorizing SNAP/food stamps, passed (26-20) out of the House Agriculture Committee on April 18. Despite historically being a bipartisan bill, this version of the Farm Bill passed along party lines. Democrats on the committee were united in their opposition to deep cuts and harmful changes to SNAP included in the bill.

Advocates also strongly oppose the proposed changes to SNAP, which the Center on Budget and Policy Priorities (CBPP) estimates would cause more than 1 million low-income households with more than 2 million people — particularly low-income working families with children — to lose their benefits altogether or have them reduced. In particular, the plan includes sweeping, aggressive new work requirements that would require adults ages 18 to 59 who aren't raising a child under 6 and aren't determined to be seriously disabled to prove monthly that they are working or participating in job-training programs for at least 20 hours a week to receive SNAP benefits. If a participant did not meet all of the work requirements, he or she would lose SNAP benefits for 12 months unless a job is secured that meets the requirements. A second infraction would mean the person would be ineligible for SNAP for 36 months unless a job that meets the requirements is secured. The bill also restricts states' abilities to waive the work requirements, including for areas with high unemployment, and eliminates or rolls back states' flexibility in determining who can access SNAP. This change would re-impose a benefit cliff, cutting families off of SNAP when they earn slightly more than the federal eligibility cutoff of 130 percent of the federal poverty level; create more paperwork and bureaucracy for beneficiaries and states; and result in roughly 265,000 children in low-income families losing access to free meals at school. In all, the bill cuts SNAP benefits by more than $17 billion, net. (That is, there are $23.1 billion in SNAP benefit cuts, offset by $5.8 billion in other benefit improvements, according to the Center on Budget and Policy Priorities.)

Advocates are also quick to point out that most people who get SNAP and can work do work, and that there is already a strict three-month time limit in place for able-bodied adults ages 18-50 without children who aren't working 20 hours a week. However, this bill will cause many of these workers who work in low-wage jobs with unstable hours to lose SNAP benefits. It will also hurt people with health conditions, parents with children over six, caregivers, and the children of the parents affected. For more information, see these statements from the Food Research & Action Center (FRAC) and Feeding America, and pieces from the CBPP on how the new requirements would hurt workers without providing nearly enough funding for employment assistance. CHN is cosponsoring a webinar on the House farm bill with CBPP, Feeding America, and FRAC on Tuesday, April 24 at 3:30pm ET.

The House bill could be voted on by the entire House in May. According to the Food Research & Action Center (FRAC), a bipartisan Farm Bill from Senate Agriculture Committee Pat Roberts (R-KS) and Ranking Member Debbie Stabenow (D-MI) could be marked up before the Memorial Day recess, though this version has not yet been released.

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President Trump Signs Executive Order on Work Requirements

On April 10, President Trump issued an executive order directing several federal agencies to review government assistance programs with the purpose of adding or strengthening work requirements for benefits recipients. The affected agencies, which include the Departments of Health and Human Services, Housing and Urban Development, Education, Labor, Transportation, Commerce, Agriculture and Treasury, are directed to report recommendations on such work requirements to the White House within 90 days. While the executive order does not implement new policy at this time, it is seen by advocates as a continuation and expansion of the efforts by the Trump administration and some in Congress to curtail public benefits for low-income Americans.

Advocates were quick to speak out against the executive order, calling it an attack on people who are working in low-wage, often part-time jobs and those who cannot work for a number of reasons, including caregiving responsibilities. Advocacy groups were also quick to point to a number of pieces showing that work requirements harm already-struggling people rather than help them, and that federal investments in employment and job training services, which would actually help move those who can work into good jobs with sustainable wages, have declined over the past several decades. Advocates have long opposed the addition of work requirements on benefits for low-income people citing, among other reasons, that access to medical care, food, and housing are critical to keeping people healthy, which allows them to work.

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Senate Vote Sets Dangerous Precedent for Consumer Protections

In another blow to consumers and consumer protection groups, the Senate on April 11 voted (51-47; 51 votes needed for passage) to repeal a 2013 measure issued by the Consumer Financial Protection Bureau aimed at preventing racial discrimination in auto lending. Sen. Joe Manchin (D-WV) was the only Democrat to vote for the repeal, while no Republicans voted against it. The Senate voted to repeal the measure, known as a guidance document, under the Congressional Review Act (CRA); this was considered a troubling overreach of the CRA by many advocacy groups. Under the intent of the CRA, Congress has 60 legislative days to review and override certain new regulations issued by federal agencies, with only a simple majority vote in the Senate and presidential approval. However, in this case, the Senate used the CRA to target a guidance document that has been in place for years, using a loophole that could allow Congress to overturn regulatory protections and safeguards that have been in place for decades if such documents weren't submitted to Congress as formal rules.

Advocacy group Public Citizen said in a statement that the Senate vote "sets a dangerous deregulatory precedent that stretches the CRA far beyond its original intent." CHN joined Public Citizen and more than 60 other organizations in urging senators to vote against this repeal. Use of the CRA also prevents agencies from enacting similar regulations again in the future unless specifically authorized by a subsequent law. According to *Politico*, the House is expected to pass the measure under the CRA soon, and President Trump is expected to sign it.

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Congress Passes Prevention Services Help for Children and Families

On February 9, President Trump signed into law the landmark bipartisan Family First Prevention Services Act, as part of the Bipartisan Budget Act. According to the Children's Defense Fund, the bill includes long-overdue historic reforms to help keep children safely with their families when they come to the attention of the child welfare system and avoid the traumatic experience of entering foster care; emphasizes the importance of children growing up in families; and helps ensure children are placed in the least restrictive, most family-like setting appropriate to their special needs when foster care is needed. Child advocates had worked for years to allow federal child welfare funding sources to be used for prevention services, which is finally allowed in this legislation. The Family First Act also offers new supports for preventing and treating families struggling with substance use disorders, including increased support for grandparents and other relatives who have reached out to care for children, regional partnerships to bring systems together to benefit children, and funding to help children be placed in treatment programs with their parents.

In 2016, more than 437,000 children were in foster care. After years of decline, the number of children in foster care has risen steadily since 2012, with anecdotal evidence and expert opinion linking this increase to the parallel rise in opioid addiction and overdoses. In addition to helping families struggling with the opioid epidemic, the bill also extends support for youth transitioning out of foster care and provides funding for mental health services and in-home parent skill-based services. For summary sheets and more info, visit the Children's Defense Fund's resource page.

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