COALITION ON HUMAN NEEDS

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Stopgap Spending Bill Pushes Potential FY19 Partial Government Shutdown off for Two Weeks

A partial government shutdown was avoided when President Trump on Dec. 7 signed a stopgap measure, also known as a Continuing Resolution (CR), to fund several federal departments through Dec. 21. Both the House and Senate passed the measure on Dec. 6 to send it the President's desk. Five of the 12 Fiscal Year 2019 appropriations bills that are required to keep the government running have already been signed into law, including the Military Construction and Veterans Affairs, Energy and Water Development, and Legislative Branch spending bills and those funding the Department of Defense and the Departments of Labor, Health and Human Services, and Education (Labor-H). The remaining seven appropriations bills that have not yet been enacted, including those that cover the Departments of Housing and Urban Development, Transportation, Homeland Security, Agriculture, and others, were covered in the CR, with funding provided at FY18 levels.

Authorization for the Violence Against Women Act and the Temporary Assistance for Needy Families program were also extended through Dec. 21 in the CR. See the related article in this *Human Needs Report* for more on the Temporary Assistance for Needy Families program.

The possibility of a government shutdown after Dec. 21 isn't totally out of the question, however. President Trump is seeking $5 billion for his border wall, and the House-passed spending bill for the Department of Homeland Security bill includes that amount. The Senate-passed bill, however, provides $1.6 billion for fencing and border security, which is the amount the President originally requested in his FY19 budget request. Democrats in Congress are standing firm that no more than $1.6 billion should be appropriated, while President Trump has said that he would veto a bill that did not provide $5 billion. The FY18 spending bill passed in March already provided nearly $1.6 billion toward new and existing fencing and related technologies on the southern border; according to Congressional staff, only 6 percent of those funds have been spent to date, leading Democrats and advocates to argue that additional funding is unnecessary, wasteful, and would divert urgently needed resources from human needs priorities.

The Trump Administration is also seeking several so-called 'anomalies,' or adjustments to funding levels, in a year-end spending package. For example, the White House is seeking an additional $190 million for housing detained unaccompanied migrant children at the southern border. Rep. Rosa DeLauro (D-CT), who in January will become the head of the House Appropriations subcommittee with jurisdiction over the Department of Health and Human Services, and who is a staunch opponent of the Administration's policy of detaining migrant children and separating them from their parents, told reporters, "Over my dead body will we provide another nickel for these folks to do what they're doing." The White House is also asking for $1 billion more than its original FY19 budget request for the 2020 Decennial Census and $58 billion more for immigration judge teams. In these last two cases, the Senate versions of the relevant spending bills provided these funding levels. While the House bills provided higher totals, some of the House decennial Census funds would be held until the first quarter of 2020, leaving less available than the Senate bill for critical Census preparation needs in 2019.

It is expected that the President will meet with House Minority Leader Nancy Pelosi (D-CA) and Senate Minority Leader Charles Schumer (D-NY) on Dec. 11 to try to reach a deal to avoid a shutdown. In addition to border wall funding, some other issues may remain unsettled, including funding for the decennial Census, language preventing the inclusion of a citizenship question, and the exclusion of the harmful partisan policy changes, known as riders, that were included in House versions of the bills but not Senate versions. A December shutdown could be avoided in several ways: with the passage of the remaining FY19 spending bills; with another short-term CR; with another CR that would go for the rest of FY19 for all remaining bills; or with a CR for the Department of Homeland Security that would last the rest of the fiscal year paired with the passage of the other six remaining FY19 spending bills.

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More than 189,000 Comments Submitted on Proposed Anti-Immigrant Public Charge Rule Changes

More than 189,000 comments have been received to date on the Trump Administration's proposed "public charge" rule; the deadline for submitting comments is 11:59pm ET on December 10. The proposed rule would make it harder for immigrants to come to or stay in the U.S. if they use any number of public benefits they are legally entitled to, such as SNAP/food stamps or housing assistance. The public charge provisions of U.S. immigration law state that noncitizens can be considered a "public charge" if they are deemed likely to become primarily dependent on the government to meet their basic needs. The current, long-standing public charge determination, made when a person is applying for admission to the U.S. or for Lawful Permanent Resident (green card) status, is limited to the receipt of public cash assistance, like SSI or TANF, or long-term care in an institution.

The proposed changes would greatly alter this policy and expand the forms of public assistance considered. If implemented, the public charge determination process would consider whether an individual has received or is likely to receive in the future one or more of a much broader array of non-cash benefits as well, including SNAP, housing vouchers or public housing, Medicaid, and Medicare Part D (prescription drug) low-income subsidies. Under the proposed rule, immigrants who do not receive benefits but have incomes below 125 percent of the federal poverty line could also be denied entry.

Advocates believe that this is a back door way for the Trump administration to restrict family immigration and to take away health care, housing, and food assistance from immigrant families. If implemented, advocates fear these changes would force immigrant families to make impossible choices between meeting basic needs and keeping their families together in the U.S. Some service agencies have already reported panic in the immigrant community and have seen cases of families pulling out of programs like school meals because of fear that it may negatively impact them in the future, despite the fact that the proposal would not count services used before the rule would be finalized.

Over the 60-day comment period that ran from Oct. 10 through Dec. 10, many organizations urged advocates to submit public comments in opposition to the rule, with the goal of 100,000 comments submitted. For more information, visit the Protecting Immigrant Families website, read the comments CHN submitted, and watch this webinar hosted by CHN.

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Farm Bill Negotiations Near Conclusion

Advocates are cautiously optimistic that the compromise version of the Farm Bill, which could be released as early as Dec. 11 and voted on in the House and Senate as early as this week, will not include expanded work requirements and tightened eligibility requirements. While final details of the compromise version of the bill aren't yet fully known, reports are that the bill closely follows the Senate-passed version of the bill, which did not have the deep cuts and harmful changes to SNAP that were included in the version that narrowly passed the House in June. The 2014 farm bill, which includes the reauthorization of SNAP/food stamps, expired on September 30, though SNAP and nearly all nutrition programs have continued to operate and distribute benefits since then.

The Senate bill maintains current basic work rules and eligibility requirements, while modestly expanding existing employment and training pilot programs, unlike the House bill's onerous work and eligibility requirements. Advocates strongly oppose the House farm bill, 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. Roughly 265,000 children in low-income families would also lose access to free meals at school under the House bill.

If the reports are correct and the compromise farm bill avoids the drastic cuts of the House bill, it will be a big win for anti-poverty advocates. For more information, see the July 23 *Human Needs Report*, CHN's Protecting Basic Needs resource page, and the recording of a webinar CHN cosponsored with CBPP, Feeding America, and FRAC.

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Two Proposals for Reauthorizing TANF Introduced

Two bills recently introduced in the Senate take very different approaches to reauthorizing the Temporary Assistance for Needy Families (TANF) program, which provides cash assistance and help in moving from welfare to work for low-income families with children. The first, introduced by Senate Finance Committee Chair Orrin Hatch (R-UT) and Ranking Member Ron Wyden (D-OR) on Dec. 4, would extend TANF for three years. The bipartisan bill would eliminate the ability of states to waive existing work requirements altogether, as 22 states have done. It would also make it easier for individuals receiving TANF benefits to participate in drug abuse, mental health, or rehabilitation treatments, and broadens access to subsidized jobs or certain training programs. In addition, the bill would authorize a limited number of state and tribal TANF programs to operate 5-year demonstration projects to evaluate differing approaches to increase employment, earnings, family stability or other desired outcomes.

A more conservative bill, introduced on Nov. 29 by Sen. Steve Daines (R-MT), would reauthorize TANF for 5 years but would limit assistance to families with income no greater than 200 percent of the poverty level and would require all work-eligible individuals to meet monthly work hour requirements in order to receive benefits. This bill is similar to one that previously passed out of a House committee along party lines in May. There is little chance that Daines' bill could pass in the Senate, where Democrats are unlikely to support it.

TANF has only been fully reauthorized once since its enactment in 1996, but it has been extended for short periods 25 times since 2010, including in the recent stopgap spending bill that will keep the government running through Dec. 21. The TANF block grant hasn't received an increase in funding since 1996 and has lost almost 40 percent of its value due to inflation. A new report from the Center on

Budget and Policy Priorities found that, for every 100 families in poverty in 2017, only 23 received direct financial assistance from TANF — down from 68 families in 1996. If a bipartisan reauthorization bill does not pass both chambers of Congress as a stand-alone bill or is not added to year-end FY19 spending bills, another temporary extension into 2019 will be needed.

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Criminal Justice Bill Remains in Limbo

With time running out for the 115th Congress, the fate of bipartisan criminal justice reform is unclear. The First Step Act, sponsored in the Senate by Sens. Charles Grassley (R-IA) and Richard Durbin (D-IL), among others, would correct some of the inequities in the federal criminal justice system that were caused, in part, by anti-crime legislation passed by Congress in the 1990s and signed by President Clinton.

An updated version of the First Step Act, introduced in the Senate on Nov. 15, would reduce mandatory sentences for some drug-related felonies, make more offenders eligible for early release and provide more funding for anti-recidivism programs. Perhaps most notably, it would end the sentencing disparity between crack and powder cocaine charges – which disproportionately affect African Americans – for some 2,600 federal inmates convicted years ago.

The revised bill has the support of some groups on both the right and left, and although supporters say it would garner as many as 70 votes in the Senate, Majority Leader Mitch McConnell (R-KY) has not allowed it to come to the floor for a vote. He argues that the Senate needs to focus its time on judicial nominations and appropriations bills. McConnell could also be responding to some of the more conservative members of his caucus – perhaps most notably Sen. Tom Cotton (R-AR), who has inaccurately stated that the legislation would result in the early release of violent felons and sex offenders from prison. The House approved an earlier, more conservative version of the legislation in May, but House Speaker Paul Ryan (R-WI) has assured Senate sponsors that if the Senate acts, the House could quickly pass the Senate version of the legislation, thus negating the need for a conference committee.

Members of the human needs community are somewhat divided on the measure. Some support it as a modest and incremental improvement to the federal criminal justice system. Others note that it simply does not go far enough – for example, it does not retroactively apply its sentencing reform provisions to people convicted of anything other than crack convictions and it prevents some individuals from benefiting from some provisions based on citizenship and immigration status. If the legislation does not pass before Congress adjourns, it would have to be refiled next year, with the legislative process starting anew. Supporters fear bipartisan compromise could then be elusive; the new Democratic-led House may demand a more far-reaching version, which in turn could peel Senate Republicans away from the bill. For more information about the revised First Step Act, click here.

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Senate Confirms New CFPB Director Opposed by Advocates

On Dec. 6, the Senate narrowly confirmed (50-49 along party lines, with one senator absent) Kathy Kraninger to a five-year term as the new director of the Consumer Financial Protection Bureau. Kraninger stated that she will continue the line of leadership Mick Mulvaney, who advocates contend during his time as Acting Director of the CFPB repeatedly put the desires of the financial industry above the needs of consumers. Mulvaney, although stepping down from this position, will continue in his role as director of the Office of Management and Budget for the Trump Administration. Kraninger is expected to work closely with Mulvaney and President Trump to ease federal regulation of the financial industry.

Congress created the CFPB in 2010 as an independent advocate and regulator to protect and benefit consumers. CHN joined Americans for Financial Reform (AFR) and others in opposing Kraninger's nomination. According to AFR, the CFPB may in January propose changes that would gut payday lending protections.

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We appreciate your input. Give us your thoughts on our *Human Needs Report* at limbery@chn.org.
