



COALITION ON HUMAN NEEDS

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Fiscal Year 2019 Begins Without a Shutdown and With a Labor-H Bill

October 1 marked the start of Fiscal Year 2019 for the federal government. While all 12 appropriations bills that are required to keep the government running had not been passed by the September 30 deadline, five of them were passed by then. A partial government shutdown was avoided when President Trump on September 28 signed a stopgap measure, also known as a Continuing Resolution (CR), to fund the remaining departments through December 7. This was signed as part of a minibus package that also included the bills to fund the Departments of Labor, Health and Human Services, and Education (Labor-H) and the Department of Defense for the full fiscal year, as well as an extension of the Violence Against Women Act through the duration of the CR. The minibus passage had previously been overwhelmingly passed by the Senate ([93-7](#)) and the House ([361-61](#)). The president had also previously signed another minibus passed by Congress that included the Military Construction and Veterans Affairs, Energy and Water Development, and Legislative Branch spending bills.

Advocates were pleased that the Labor-H and Defense minibus package contained no poison pill riders and that several programs of importance to the human needs community received modest increases. However, they maintain that the overall spending level for the Labor, HHS, and Education departments should be higher given the size and importance of the departments; the three departments combined received \$178.1 billion in discretionary (annually-appropriated) funding, a \$1 billion increase over FY18. According to CQ, the bill also includes an extra \$2.6 billion for programs outside of the agreed-upon spending caps for areas such as biomedical research and anti-fraud initiatives in Medicare and Social Security. However, Democrats had argued that as nondefense discretionary spending is set to increase by \$18 billion for FY19 under a budget deal Congress passed earlier this year, the Labor-H bill should get at least \$5 billion of that increase. For comparison, the Department of Defense received \$674.4 billion.

See below for a summary of some of the highlights of the increases in the Departments of Labor, Health and Human Services, and Education. For more information, see the summary of the package from the House Appropriations Committee [Republicans](#) and [Democrats](#).

*The **Department of Education*** received nearly \$71.5 billion, an increase of \$581 million over FY18. **21st Century Learning Centers** received a \$10 million increase; the entire program would have been eliminated in President Trump's budget. **IDEA special education grants to states** are funded at \$12.4 billion, up nearly \$87 million from FY18. The maximum **Pell grant** would be boosted by \$100. **TRIO programs** that provide services to students from disadvantaged backgrounds and first generation college students to help them enter and complete college and postgraduate education received a \$50 million increase.

*The **Department of Labor*** is funded at \$12.1 billion, a \$94.3 million decrease compared to FY18. The **Migrant and Seasonal Farmworkers program** received a \$1 million increase; this program would have been eliminated in President Trump's budget. **Community Service Employment for Older Americans**, which was also eliminated in Trump's budget, was flat-funded from FY18. **Apprenticeship programs** received a \$15 million increase, **Job Corps** was level funded, and the **Veterans Employment Training (VETS) Program** got a \$5 million boost above FY18 levels.

*The **Department of Health and Human Services*** received a \$2.3 billion increase over FY18 levels to \$90.5 billion. The **National Institutes of Health** received a \$2 billion increase to \$39.1 billion. **Head Start** will get a \$200 million increase. The **Low Income Home Energy Assistance Program (LIHEAP)** will get a modest \$50 million increase; this program would have been eliminated in President Trump's budget. The **Child Care and Development Block Grant** will also receive a \$50 million increase over the large \$2.37 billion increase that occurred this year. The **Community Services Block Grant** received a \$10 million increase. Unlike the House's original bill, the final compromise bill does not include new language restricting HHS's authority to administer or enforce the Affordable Care Act, nor does it include language overriding a long-standing court consent decree, known as the Flores decision, that requires a limit of 20 days' detention for migrant children and their families separated at the border (The Trump Administration announced on September 6 a proposed rule that would weaken Flores and allow for families to be detained indefinitely; click [here](#) for more information).

The Department of Defense received \$606.5 billion for the Pentagon’s base budget, a \$17 billion increase over FY18. It also received \$67.9 billion in its uncapped Overseas Contingency Operations (OCO) account, a \$2.6 billion boost over FY18. Included in the bill is funding for 93 F-35 fighter jets, 16 more than the Pentagon requested; these jets have been plagued with problems. The bill will also fund three Littoral Combat Ships, two more than the Pentagon requested.

Funding battles for the remaining seven spending bills, including those that cover the Departments of Housing and Urban Development, Transportation, Homeland Security, Agriculture, and others, will resume in the lame duck session after the November 6 elections. Funding for President Trump’s border wall is expected to be controversial in these battles. Other fights may also arise over issues like a raise for civilian federal workers (included in a Senate bill but not in a House version; President Trump has [called](#) for a pay freeze for these workers), environmental regulations, and some of the harmful partisan policy changes, known as riders, that were included in House versions of the bills but not Senate versions.

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House Passes More Tax Cuts

On September 30, the House passed ([220-191](#)) a bill that would make permanent the tax cuts for individuals enacted as part of the GOP tax cut bill passed in December 2017. Only three Democrats voted in favor of the bill; 10 Republicans opposed it. According to the [Tax Policy Center](#), the provisions of the package would cost as much as \$3 trillion over a ten-year period, 50 percent more than the almost \$2 trillion cost of the first round of tax cuts passed last year. In a [statement](#), CHN’s Executive Director Deborah Weinstein said, “The tax scam 2.0 passed today by the House is another measure that benefits the wealthy, campaign donors, and high-income business owners, all at the expense of working families.” The Senate is not expected to take up the package this year.

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Anti-Immigrant Public Charge Rule Changes Proposed

On September 22, the Department of Homeland Security published a proposed rule on its website that 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 proposed rule would make changes to what’s known as the “public charge” provisions of immigration law; 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 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. The proposed rule would not apply to refugees, asylees, or certain other humanitarian immigrants. According to the Center on Budget and Policy Priorities, [one in three](#) U.S.-born citizens would struggle to meet the standards this rule would set for immigrants.

Advocates believe that this is a back door way for the Trump administration to restrict family immigration and deter families from securing critical services. 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. A [statement](#) from CHN noted, “If immigrants are too afraid to seek benefits they qualify for, the result will be a sicker, hungrier, poorer nation.” 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.

However, advocates also stress that the proposed public charge rule is not finalized yet. Organizations are urging advocates to submit public comments in opposition to the rule as soon as it is officially published in the Federal Register, which is expected to happen on October 10. Public comments will be accepted for 60 days after it is published (through December 10 assuming it is published October 10). For more information, visit the [Protecting Immigrant Families website](#), and watch [this webinar](#) hosted by CHN. Resources are also available from the [Center on Law and Social Policy](#), the [Center on Budget and Policy Priorities](#), the [Food Research & Action Center](#), the [National Housing Law Project](#), and [MomsRising](#).

News of the proposed changes to the public charge rule came just weeks after the *New York Times* [reported](#) that the number of migrant children detained at federal facilities had skyrocketed to the highest levels ever, reaching 12,800 in September. This number is up fivefold since May 2017, when there were 2,400 migrant children being held in federal shelters. Later in September, the *Times* [reported](#) that the number of detained migrant children grew to over 13,000, and that hundreds of children were being moved in the middle of the night to a tent city in Texas with limited access to legal services and no schooling.

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Farm Bill Expires as Negotiations Continue

Lawmakers were unable to come to an agreement on the Farm Bill, which includes the reauthorization of SNAP/food stamps, before the 2014 law expired on September 30. While many programs are affected by this, SNAP and nearly all nutrition programs will continue to operate and distribute benefits. The heads of the Agriculture Committees in the House and Senate have said they hope to have a conference report, which works out the differences between the House and Senate versions of the bills, ready for a vote in the lame duck session after the November elections. The Senate passed [\(86-11\)](#) its bipartisan [version](#) of the Farm Bill on June 28 without the deep cuts and harmful changes to SNAP that were included in the bill the House narrowly passed [\(213-211\)](#) on June 21.

The Senate bill maintains current work requirements and eligibility requirements, unlike the House bill that expanded work requirements and tightened 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.

Advocates like those at FRAC [will](#) “continue to urge policymakers to protect and strengthen SNAP and reject the House Farm Bill.” If a new bill is not enacted by late December, an extension will be needed to continue additional programs that would expire then. 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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House and Senate Pass Conference Bill to Fight Opioid Crisis

On September 28, the House overwhelmingly passed [\(393-8\)](#) the conferenced version of H.R. 6, the SUPPORT for Patients and Communities Act, and the Senate followed suit [\(98-1\)](#) on October 3. This bipartisan bill, which combines 58 bills legislators have passed over the previous months, is intended to help fight our nation’s growing opioid epidemic. The House first passed [\(396-14\)](#) its version of the bill on June 22; the Senate followed [\(99-1\)](#) on September 17, after making amendments to the bill. Later in September, the conference committee, composed of members of the two chambers, resolved differences between the two bills and came to an agreement on final legislation.

[Advocates](#) across the spectrum support the bill and applaud Congress for taking action on such a serious epidemic. [Over 700,000](#) people in the United States have died of drug overdoses since the 1990s; more than 72,000 drug-related deaths occurred last year alone, and at least two-thirds of these deaths were due to opioids. 2017 recorded the highest number of Americans killed by drug overdoses in a single

year, an annual U.S. death toll higher than those caused by car crashes, guns, or HIV/AIDS. At this rate, [experts](#) predict that opioid overdoses could claim hundreds of thousands of lives in the next decade.

Multiple advocates, health-related groups, and stakeholders, including [the American Psychiatric Association](#), [the American Hospital Association](#), [the American Society of Addiction Medicine](#), [Advocates for Opioid Recovery](#), and [the U.S. Chamber of Commerce](#), voiced their support for the bicameral bill. The [bill](#) makes several changes to Medicaid and Medicare to address opioid substance use and disorders and the expansion of access and coverage. It also addresses alternatives to opioid use for pain treatment, a shift to evidence-based treatment, and the reduction of illegal drugs entering the country through the mail. Other notable provisions include: expansion of Medicaid coverage for former [foster youth](#) under age 26 and for juveniles transitioning out of incarceration; student loan forgiveness for practitioners in substance use disorder fields; increase and improved access to buprenorphine, a form of medication-assisted treatment; and increase funding and support for family residential programs and reunification projects. For more information on the original House version of the bill, see the [July 2 Human Needs Report](#).

[Several Democrats](#), such as Rep. Frank Pallone Jr. (N.J.), praised the bill as a good first step in addressing our nation's opioid epidemic, but assert that much more needs to be done, particularly increasing funding. The SUPPORT for Patients and Communities Act projects to cost around [\\$8 billion](#), a sum that falls short of the tens of billions [experts](#) say is required to quickly reverse the opioid epidemic. In contrast, the [CARE Act](#), proposed by Rep. Elijah Cummings (D-MD) and Sen. Elizabeth Warren (D-MA) and modeled after the Ryan White program for combating HIV/AIDS, would provide \$100 billion over 10 years to fight the opioid crisis. In a [statement](#), Families USA's Executive Director Frederick Isasi said, "Families USA supports H.R. 6, but we hope that Congress views it as simply the down payment on more comprehensive legislation in the near future."

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Advocates Respond to Supreme Court Confirmation

Advocates responded with concerns about Judge Brett Kavanaugh's October 6 confirmation ([50-48](#)) to the U.S. Supreme Court. In a [statement](#) released the day before the final confirmation vote in the Senate, CHN's Executive Director Deborah Weinstein said, "His opinions and statements seek to limit the Affordable Care Act and would reduce protections for workers, voters, consumers, and people with disabilities, all of which would inflict outsized harm on poor and near-poor people." The Leadership Conference on Civil and Human Rights said in a statement, issued following the confirmation vote, "Despite our heartache and frustration, we are inspired by everyone who came forward to tell their truths and everyone who fought for the values of fairness and justice. We are undeterred in our fight to protect and defend the civil and human rights of all people in this country."

On September 7, CHN joined with 75 organizations in a [letter](#) urging senators to oppose Judge Kavanaugh's confirmation to the Supreme Court, saying, "The rule of law in a democracy requires

vigilant defense of the rights of people without the advantages of wealth and power. Judge Kavanaugh’s record is instead on the side of powerful institutions and employers.” For more information on recent Supreme Court decisions that advocates have opposed, see the [July 2 Human Needs Report](#).

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