



COALITION ON HUMAN NEEDS

The Human Needs Report

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Deal to Finalize FY19 Funding Released

A deal to finalize FY19 spending and avoid another government shutdown took concrete form with the release of bill text on February 13. The outcome of negotiations among the 17-member conference committee who were tasked with writing a compromise version of the Homeland Security spending bill, it is expected to see floor votes on Thursday, February 14, first in the Senate and then in the House. The compromise legislation provides \$49.4 billion for that department. The Homeland Security spending bill will be combined with the other six funding bills that haven't yet been enacted for Fiscal Year 2019, including those covering the Departments of Housing and Urban Development, Agriculture, Justice, Commerce, and others, to create a \$333 billion omnibus spending package. Of that total, \$312.8 billion is for expenditures falling within the Non-Defense Discretionary cap, plus \$8.2 billion in funds not subject to the cap for the Department of State, and another \$12 billion in uncapped funding for FEMA for future disaster relief.

The House will waive the 72-hour period between release of legislation and a floor vote, since passage of this spending bill is deemed an emergency. If the votes occur as expected on Thursday and President Trump signs the legislation, they will have averted a new government shutdown. The current spending legislation expires at midnight on Friday, Feb. 15.

The Coalition on Human Needs joined more than 1,000 organizations in signing onto a [letter](#) to Congress and President Trump emphasizing the tens of thousands of low-income households put at risk during the recent shutdown and urging passage of FY19 spending bills with robust funding for affordable housing and community development programs. CHN and its members also pressed for the inclusion in the package of increased food aid for Puerto Ricans as part of a disaster relief package initially expected to be included with the full-year spending bill. Despite the urgent need to prevent Puerto Rico's Nutrition Assistance Program from running out of funds, the spending bill did not include any disaster relief (see related article in this *Human Needs Report* for more on this).

Homeland Security Provisions: The bill will provide \$1.375 billion for 55 miles of border fencing, far less than the President's request of \$5.7 billion. However, President Trump has claimed that he can shift funding away from other accounts to get the amount of construction he wants, providing a source of ongoing controversy. The other major point of contention is the number of detention beds for arrested immigrants. The average daily population of immigrants in detention in FY 2018 was set by Congress at 40,500, scheduled in the agreement to rise to 45,057 in FY 2019, a 12 percent increase. However, Immigration and Customs Enforcement (ICE) has ignored Congress' restrictions and currently is detaining more than 49,000 immigrants. If ICE starts to abide by the limits set in the anticipated bill, there will be a reduction in jailed immigrants by the end of FY 2019. Since ICE has been flouting Congress' dictates for a number of years, it is not at all certain that the reduction in detention beds will actually occur. More than half of the members of the Congressional Hispanic Caucus sent a [letter](#) to the Homeland Security conference committee on Feb. 6 urging them not to provide any more money for immigrant detention or a border wall.

There are a number of provisions in the DHS text that offer protections for immigrants and/or require more public disclosure of DHS actions. The negotiators included \$192.7 million in increased funding to improve the treatment of migrants in short-term Customs and Border Patrol (CBP) custody, of which \$128 million is for increased funding for contracted medical professionals, \$40.2 million is for increased food, infant formula, diapers or related items for detainees, and \$24.5 million is for increased transportation between CBP facilities.

In language providing additional protections, the agreement prohibits the use of restraints on migrant pregnant women in custody and specifies that no funds shall be used to block Members of Congress from inspecting DHS facilities, including those detaining families, or to destroy any records related to sexual assault or abuse of anyone in DHS custody. In order to encourage family members to come forward to sponsor unaccompanied children so that they can be released into the community, there is language prohibiting funding to detain or remove any sponsor or potential sponsor or household member based on information provided by HHS. HHS investigates potential sponsors before releasing children to their custody. In the past, HHS did not share any of its information with DHS, but that changed with the Trump Administration. In addition, there are new reporting requirements, such as monthly public reports on family separations, both new and ongoing, and a required report by the DHS Office of the Inspector General within 90 days on previous family separation policies. Unannounced inspections of DHS sites are newly required to pay "particular attention" to the health needs of

detainees. In the past, inspections of detention facilities have been criticized as ineffective in uncovering abuses.

Other key components/omissions in the omnibus package for the human needs community:

- The final bill failed to prevent automatic cuts of about \$1 billion to Medicare and other benefits programs that could be triggered by spending levels that exceed caps under the statutory pay-as-you-go rule. Congress has regularly waived these automatic cuts, and it will be surprising if it does not do so through separate legislation.
- The bill did not reauthorize the Violence Against Women Act, but did provide full-year funding for its programs at \$497.5 million. Democrats are seeking to make certain improvements in the legislation authorizing VAWA, and did not wish to reauthorize using current language.
- While TANF was previously reauthorized through June 30, 2019, no further extension was provided, requiring further action before the September 30 end of the fiscal year.
- Federal employees received a 1.9 percent pay raise, superseding a Trump decision to have no general pay increase.
- There was no provision to cover pay for workers in companies with federal contracts who could not work during the 35-day government shutdown.
- A 4 percent increase in funding for the Department of Housing and Urban Development over FY18 levels, to \$44.2 billion. The Tenant-Based Rental Assistance program is funded at \$20.3 billion, adequate to renew all existing vouchers. Housing Programs (public housing developments) are funded at \$12.7 billion, an increase of \$173 million above the FY18 enacted level and \$726 million above the President's budget request. The National Low Income Housing Coalition has [more details](#). The Office of Lead Hazard Control and Healthy Homes is funded at \$279 million, an increase of \$49 million above the FY18 enacted level and \$134 million above the President's budget request.
- \$6.1 billion in FY19 funding for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), a decrease of \$100 million from FY18 levels and \$325 million above President Trump's request. Full FY19 funding for the Supplemental Nutrition Assistance Program (SNAP/food stamps) and Child Nutrition Programs is also included.
- A small increase of \$25 million for the Environmental Protection Agency over FY18 levels, to \$8.8 billion. The package contains some contentious policy changes, known as riders, that advocates oppose, while eliminating others that were contained in the version of the bill that previously passed the House.
- A total of \$3.8 billion, an increase of more than \$1 billion above FY18 and \$20.9 million above the President's budget request, to enable the Census Bureau to prepare for the 2020 Decennial Census.
- \$415 million for the Legal Services Corporation, which is \$5 million above the FY18 enacted level. The President had proposed completely eliminating this program, which helps provide legal assistance to underserved communities.

A summary of the omnibus by division from the House Appropriations Committee Majority Staff is available [here](#). For more information on the effects of the government shutdown, see CHN's [Trump Shutdown Resources page](#) as well as our blog, [Voices for Human Needs](#).

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Disaster Food Aid for Puerto Rico Left Out of Deal

Advocates were deeply concerned that the deal to avoid another government shutdown did not include \$600 million in additional funding for Puerto Rico's Nutrition Assistance Program (NAP), the island's version of SNAP/food stamps. The money was supposed to be included as part of a package to provide more than \$14 billion in disaster aid to victims of hurricanes, wildfires, typhoons, and volcanoes across the U.S. and its territories in 2018. Funding for Puerto Rico's NAP benefits was temporarily increased following hurricanes Irma and Maria, but without action by Congress, some [1.4 million Puerto Rican people](#) will lose some or all food assistance by the end of March when the additional funding runs out. The \$600 million would sustain the additional assistance for the rest of the year. It was included in the spending bill (H.R. 268) passed by the House, but not in the Senate. Advocates have been pressing the Senate to agree to the House version and feared that leaving it out of the spending bill would seriously reduce the chances of averting the precipitous drop in Puerto Rico's NAP benefits.

As previously reported in the Jan. 22 Human Needs Report, the Trump Administration [called](#) the \$600 million for Puerto "excessive and unnecessary" in its official [Statement of Administration Policy](#). President Trump previously [tried to illegally withhold disaster relief money](#) from Puerto Rico by directing funds away from Puerto Rico disaster relief to Texas and Florida, and [reportedly](#) told Administration officials last fall that he "did not want a single dollar going to Puerto Rico, because he thought the island was misusing the money..." Congress had appropriated. Newly elected Sen. Rick Scott (R-FL), responding to the large Puerto Rican population in Florida, announced his support for including the \$600 million in nutrition funding, saying he would play the role of Senator for Puerto Rico. His colleague Sen. Marco Rubio (R-FL) also supported including the funds, but apparently neither was successful in persuading Senate leadership to go against President Trump's wishes. This controversy led to separating the entire disaster package from the spending legislation. While the senior Democratic appropriator Sen. Patrick Leahy (D-VT) predicted that a disaster package might pass the Senate separately this week, its adoption remained in doubt.

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President's Budget Expected in March

Looking past FY19, President Trump's FY2020 topline budget message, priorities, and summary tables are now expected to be released the week of March 11. Detailed line-item information, including details

on any proposed cuts to mandatory and discretionary (annually-appropriated) programs, will be released the week of March 18. The statutory deadline for a president to release his or her budget this year would have been Feb. 4, but there is no penalty for not meeting this deadline, and it has been frequently missed by presidents of both parties. The White House Office of Management and Budget has said this year's delay is due to the long partial government shutdown. Timelines have not yet been announced for the release of congressional budget proposals, but House Democrats have expressed an interest in adopting a budget resolution early enough to allow joint agreement with the Senate by mid-April, the deadline called for in law but often ignored. It is not at all clear that the Senate will be interested in adopting a budget resolution for FY 2020. CHN will provide analysis of the President's budget and of congressional budget proposals when they are released.

Congressional leaders are expected to try to negotiate a new budget deal to raise both defense and nondefense discretionary spending caps for FY20 and FY21. Without a new deal, deep sequestration cuts put in place by the Budget Control Act of 2011 will return, cutting discretionary spending by \$126 billion, or 10 percent, in FY20. CQ reported that President Trump's budget may adhere to the harsh sequester-level cap for nondefense spending but would propose spending above the cap for defense programs. Senate Armed Services Committee Chair James Inhofe (R-OK) recently called for \$750 billion in total defense spending, a major increase that he said could be achieved by more than doubling the amount provided in the uncapped Overseas Contingency Operations (OCO) account. Instead of the \$69 billion in OCO funds this year, Inhofe suggests spending \$174 billion in FY 2020, despite the fact that OCO war-related operations are scheduled to diminish. If adopted, this would be an explicit effort to shatter budget caps in favor of Pentagon spending.

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House Passes Budgetary Rules Changes

Now in the majority in the House of Representatives, Democrats passed a [package of reforms](#) that change how the chamber operates, including some changes that relate to the budget process. One change includes the automatic raising of the debt ceiling, or the nation's borrowing limit, through the fiscal year once the House passes a budget. This removes the need for the House to have a separate vote to raise the debt ceiling. The package (H.Res. 6) also replaces the Republicans "Cut-As-You-Go" (CUTGO) rule, which required spending increases to be offset with an equal or greater cut in spending (but not offset by revenue increases), with a "Pay-As-You-Go" (PAYGO) rule, where spending increases and tax cuts must be offset with either an equal decrease in spending or an increase in revenue (such as raising taxes). A third change would curtail the use of "dynamic scoring," a highly uncertain and controversial way of estimating the budgetary effects of proposed legislation. Republicans previously used dynamic scoring to say their tax cuts package would cause enough economic growth to pay for themselves by resulting in some revenue increases down the road.

Aside from the budget process, the rules changes also include the creation of a committee to address climate change, the requirement of annual ethics training for all lawmakers, and a mandated 72 hour minimum between when major legislation is released and when it can be voted on by the full House to allow representatives time to read it.

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Bills Introduced to Help Workers and Working Families

Several bills that would help workers and working families have recently been introduced, including pay equity, paid leave, and minimum wage proposals. The [Paycheck Fairness Act](#) (H.R. 7), which strengthens and closes loopholes in the 1963 Equal Pay Act and provides effective remedies to women who are not being paid equal pay for equal work, was introduced on Jan. 30. The bill would also prohibit retaliation against workers for discussing their salaries; train women in negotiation skills; strengthen federal agencies' investigative and enforcement abilities; and help small businesses adopt good pay practices. Rep. Rosa DeLauro (D-CT) has introduced the Paycheck Fairness Act in every Congress since 1997.

The [Family and Medical Insurance Leave \(FAMILY\) Act](#) would create a national paid family and medical leave insurance program to help ensure that people who work can take the time they need to address serious health and caregiving needs. The legislation, which would provide workers with a portion of their wages for up to 60 workdays or 12 weeks in a year, would cut by nearly 75 percent the share of families who fall into poverty after taking the unpaid leave provided by the federal Family and Medical Leave Act. Currently, only 17 percent of workers in the United States have access to paid family leave through their employers, and fewer than 40 percent have access to personal medical leave through employer programs. Low-income workers are less likely to have access to paid leave. CHN joined hundreds of national, state and local organizations in signing a [letter of support](#) to members of Congress for the FAMILY Act. The bill was introduced on Feb. 12.

On Feb. 7, the House Committee on Education and Labor held a [hearing](#) on the [Raise the Wage Act of 2019](#), which was introduced in January. The bill would gradually increase the federal minimum wage from \$7.25 per hour to \$15 per hour by 2024; phase out the subminimum wage for tipped workers and sunset the subminimum wage for workers with disabilities and workers under the age of 20; and require the minimum wage to rise automatically to keep pace with inflation. According to the [Economic Policy Institute \(EPI\)](#), the legislation (H.R. 582) would lift pay for 41 million workers – nearly 30 percent of the U.S. workforce. Witnesses invited to testify at the hearing included experts from EPI, the Leadership Conference on Civil and Human Rights, and the AFL-CIO, as well as minimum wage workers. The Coalition on Human Needs joined more than 350 organizations in signing a [letter of support](#) for the Raise the Wage Act. For more information on this bill, see CHN's [January 22 Human Needs Report](#).

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