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## FY2020 APPROPRIATIONS PROCESS

### *Background: FY 2019 Labor, Health and Human Services and Education Spending Bill*

Before providing an update on the FY2020 appropriations process, it is important to understand that even though FY2019 started on October 1, 2018, only half of the federal government's budget for the year had been funded by that time. Before Congress left town at the end of September 2018 to hit the campaign trail in advance of the mid-term elections, there was a flurry of activity to pass several "minibus" appropriations bills to demonstrate to constituents that Congress could actually pass some budget bills on time. To the surprise of many long-time education stakeholders, one of these bills was the FY2019 Labor, Health and Human Services and Education (LHHS-ED) appropriations bill, which was combined with the FY2019 Department of Defense appropriations measure. The massive spending package rejected program eliminations and programmatic cuts proposed in the President's FY2019 budget request and was passed by Congress and signed by President Donald Trump on September 28, 2018.

*Astonishingly, this was the first time since the 1990's that the LHHS-ED funding bill was signed into law before the start of the fiscal year.*

With regard to programs of interest to TESOL members, the final FY2019 bill for the Department of Education included a \$25 million increase to Adult Education State Grants (\$642 million); level funding for teacher professional development through *Every Student Succeeds Act's* (ESSA) Title II Improving Teacher Quality State Grant program (\$2.056 billion); level funding for English Language Acquisition Grants (\$737.40 million); a \$1 million increase in funds for disadvantaged students through Title I (\$15.860 billion) distributed by formula to SEAs; and level funding (\$43 million) for Teacher Quality Partnerships (the *Higher Education Act's* Title II), a grant program to support the development and implementation of model teacher and leader preparation and residency programs to improve the quality of teaching in high-need schools.

While education advocates were thrilled that their FY2019 work was completed on time, unfortunately seven appropriations bills were not and were "pushed" to after the November 6 elections. Ultimately the 115<sup>th</sup> Congress was unable to agree upon a final spending package even after the mid-term elections and before the 116<sup>th</sup> Congress was sworn in on January 3, 2019, due to a disagreement with President Trump over funding for a wall along the southern border. This clash ultimately led to the longest government shutdown in history, impacting approximately 10 federal agencies and leading to a 5-month delayed start to the FY2020 appropriations process.

## FY2020 APPROPRIATIONS PROCESS BEGINS

### *President Trump's FY 2020 Budget Request*

On Monday, March 11<sup>th</sup>, the White House released its much-anticipated FY2020 budget request. The budget proposal, titled “A Budget for a Better America: Promises Kept. Taxpayers First,” sets forth President Trump’s priorities including investments in border security; support for veterans; efforts to defeat HIV/AIDS in America; research for childhood cancers; support for working families; and actions to confront the opioid epidemic. Because of the government shut down (which also impacted employees at the Office of Management and Budget who are the President’s appropriations staff), the initial release of the budget provided only top line numbers and recommended program eliminations instead of comprehensive programmatic details. It came as no surprise that the \$4.7 trillion proposal called for both an overall 9 percent reduction in discretionary spending for nondefense activities and an increase of 5 percent over FY2019 levels for defense spending. A number of comments made by Members of Congress on both sides of the aisle indicated that the Trump budget proposal was “dead on arrival.”

A cut of 10 percent is proposed for the Department of Education's (ED) budget, which would put the agency’s spending at \$64 billion—a cut of \$7.1 billion “to promote fiscal discipline and support priorities to improve the quality of education and prepare students for the workforce of the 21<sup>st</sup> century.” Similar priorities from the past two years include: increasing access to school choice; protecting students by promoting safe schools; elevating the teaching profession through innovation; promoting workforce development; streamlining postsecondary aid programs; and supporting high-need students through formula grant programs.

Once again, the President’s proposal for ED would eliminate funding for 29 programs “that do not address national needs, duplicate other programs, are ineffective, or are more appropriately supported with State, local, or private funds.” This includes ESSA’s Title II Supporting Effective Instruction State Grants; Supporting Effective Educator Development (SEED) grants; ESSA Title IV, Part A funding for academic supports and enrichment; International Education and Foreign Language Studies Overseas Programs; HEA Title II Teacher Quality Enhancement Grants; and Graduate Assistance in Areas of National Need (GAANN). Interestingly ED’s budget also contains a new initiative to provide teachers “the freedom and flexibility to chart their own course for professional development through teacher vouchers” as well increases for charter school grants and a new school choice tax incentive proposal. Additional details regarding these proposed programs have yet to be released.

### *TESOL’s Interests*

For programs of importance to many TESOL members, the President once again proposed significant cuts. For FY2020, the President’s budget recommends a **\$156 million cut from FY2019 funding levels** for Adult Education State Grants, and a **\$60 million increase in National Leadership Activities**. While no reason is provided for the cut to the state grant program, the increase to National Leadership Activities would be used to “support State efforts to create pre-apprenticeship programs that increase the number of adults who are able to meet the basic entrance requirement of apprenticeship programs.” The budget would maintain level funding for English Language Acquisition Grants at \$737.40 million. While “support for high-needs students through essential formula grant programs” was identified as a priority in the ED budget, Title I remained level funded at \$15.860 billion. Funding for Individuals with Disabilities Education Act (IDEA) State Grants also remained level funded at \$12.364 billion.

## CONGRESSIONAL ACTION

### *Budget Deal Needed to Avoid Sequestration*

Adding to the complexities this year of writing 12 individual spending bills as part of the annual appropriations process, Congress must also come to a new bipartisan agreement on discretionary spending due to the provisions in the *Budget Control Act (BCA) of 2011*. The BCA was passed eight years ago by Congress as a compromise to raise the nation's debt limit in exchange for significant reductions in federal spending in both non-defense and defense discretionary spending. The law capped discretionary spending through FY2021 with the intention of reducing spending by more than \$900 billion. It also created a "Super Committee" charged with further reducing the deficit and provided enforcement procedures to lower spending automatically if the Super Committee failed to meet its target. The Super Committee did fail in this effort, and in FY2013 across-the-board cuts to every federal program known as "sequestration" occurred. To avoid the impact of sequestration while not repealing the BCA, Congress has passed three 2-year spending deals since 2013 to increase the discretionary spending caps. The last budget deal extends through the end of FY2019 and without a new deal, non-defense discretionary programs will have to be cut on average by 11 percent in FY2020 – resulting in a cut of \$55 billion below FY2019 levels. Defense discretionary spending will have to be cut deeply as well, to \$71 billion below the 2019 level. In order to avoid these drastic spending cuts, Republican and Democratic leaders in the House and Senate have acknowledged that a new budget deal for fiscal years 2020 and 2021 will be necessary to avoid another government shutdown in September.

Concerned with a growing federal deficit and led by fiscal conservative Mick Mulvaney, Acting Chief of Staff to President Trump, the White House has repeatedly indicated that it will not support a new deal between Republicans and Democrats to raise spending caps that would ostensibly avoid \$126 billion in sequester cuts. Congressional leaders, led by Senate Majority Leader Mitch McConnell (R-KY) and Senate Appropriations Chairman Richard Shelby (R-AL), are working behind the scenes to change Trump's mind. Even this past week meetings have taken place between Administration officials and Senate Republican leaders to try to reach agreement on a spending deal. Unfortunately, a final deal has not been announced yet and Democrats, while informed of discussions, have yet to be directly included.

### *House Appropriations Committee Moves Forward*

Meanwhile, House Democrats, led by Representative Nita Lowey (D-NY), Chairwoman of the House Appropriations Committee, have been moving full steam ahead with an aggressive markup schedule with the goal of getting all 12 FY2020 spending bills on the House floor for passage by the July 4<sup>th</sup> Congressional recess. H.R. 2740, the FY2020 LHHS-ED spending measure, was passed by the LHHS-ED Subcommittee on April 30<sup>th</sup> and became the first bill passed by the full Appropriations Committee on May 8<sup>th</sup>. Since then, the remaining 11 appropriations bills have all been passed out of their respective subcommittees and the full House Appropriations Committee.

### *FY2020 Labor, Health and Human Services and Education Spending Bill*

Education advocates are thrilled with this bill. In total, the bill includes \$189.8 billion over the President's FY2020 budget request and almost \$12 billion over enacted FY2019 funding levels, rejecting nearly all of the cuts that the Trump Administration has proposed. For the Department of Education this means a \$4.4 billion increase over the FY2019 level to \$75.9 billion. Subcommittee Chairwoman Rosa DeLauro (D-CT) noted the generous allocation to the Subcommittee while recognizing that a new budget agreement is still needed. However, DeLauro

stated that moving this legislation forward was critical to begin the process, and that the bill builds on bipartisan efforts over the past several years to produce significant increases for many important programs. DeLauro also noted that the Subcommittee received nearly **15,000 bipartisan requests** for funding for current programs in addition to new initiatives, reflecting the importance of the LHHS-ED bill. In all, the bill includes funding in total or in part for 90 percent of Members' requests. During committee deliberations, DeLauro stated her priorities for the bill were to: 1) put forward a positive agenda for all Americans; 2) increase funding for programs that had been "starved;" and 3) reflect (through bill and report language) the oversight the Subcommittee has been conducting.

Subcommittee Ranking Member Tom Cole (R-OK) and full Committee Ranking Member Kay Granger (R-TX) praised many of the increases in the bill; however, they noted that it would not be able to pass the Senate, nor would the President sign the bill, because the top line funding level is too high. Cole added that he worried this bill would increase the chance of a year-long continuing resolution or a government shutdown this fall.

#### *TESOL's Interests*

For programs of importance to many TESOL members, H.R. 2740 rejects the President's proposed cut to Adult Education State Grants and **increases funding by \$30 million** to \$672 million. It also **increases funding by \$243 million** for English Language Acquisition Grants to \$980 million. In addition, funding for ESSA's Title II is **increased by \$500 million** to \$2.555 billion. Formula grant programs were also increased by **\$1 billion** for Title I and **\$1 billion** for IDEA State grants. Lastly, Teacher Quality Partnerships (HEA's Title II) received a **\$10 million increase** to \$53 million.

#### *House Floor Action*

House leadership's goal of getting all 12 appropriations bills passed by July 4<sup>th</sup> got much closer last week. On June 12<sup>th</sup>, the House began debate on a "mini-bus" that combines four FY2020 spending bills. The measure, which includes the LHHS-ED, Defense, State-Foreign Operations, and Energy and Water Development bills, represents nearly \$1 trillion in federal spending. Nearly 225 amendments to the package were ruled in order by the House Rules Committee (after reviewing over 500 amendments), making the debate on the measure by the full House of Representatives a multi-day effort, with a final vote not occurring until the week of June 17<sup>th</sup>. Of most interest to TESOL members, Representative Angie Craig (D-MN) offered an amendment to increase career and technical education and adult education by \$1 million. The amendment passed by a vote of 390-29.

While the final bill eventually signed by the President is expected to undergo substantial changes as congressional leaders and Trump administration officials work during the next few months toward bipartisan compromise on FY2020 funding, the House's move to pass the massive package is a significant first step in the process.

Following the passage of HR 2740, the House next will bring up H.R. 3055 – the second mini-bus spending package – which also will combine four FY2020 spending bills including Commerce, Justice and Science; Agriculture; Military Construction and Veterans; and Transportation and Housing and Urban Development. More than 300 amendments have already been filed on this bill.

### *Senate Appropriations Committee*

On the other side of Capitol Hill, the Senate Appropriations Committee has yet to start its process. Instead, Chairman Shelby has repeatedly stated his preference for first reaching a new bipartisan budget deal before proceeding with subcommittee mark ups. Pressure has been building, however, as the House will soon complete its work. If there is no movement towards reaching a deal, it is being reported that Chairman Shelby could move ahead by “deeming” a FY2020 discretionary total and starting the Senate’s consideration of the 12 appropriations bills based on that total. That total is almost certain to be well below the House’s level of funding. Education advocates believe the Senate LHHS-ED Appropriations Subcommittee, following the lead of the House, will be among the first to mark up its bill, which could occur just before the July 4<sup>th</sup> congressional recess.

## **CONCLUSION**

Without a bipartisan budget deal in place, it is likely that this will be another year where Congress will not complete all its spending measures by October 1<sup>st</sup>, the start of FY2020. If the Senate and House pass bills with significantly different assumptions about total discretionary funding, it will be much more difficult to conference them – ultimately resulting in a final measure that could be quite different from the House and eventual Senate versions, depending on what a budget agreement sets for total discretionary funding. Throw in a fight this summer about raising the nation’s debt ceiling and the ongoing debates around border funding, humanitarian assistance, Democratic oversight work, and the upcoming 2020 elections, you know there are many budget battles to come. As a result, advocacy by TESOL members is occurring at an opportune time to explain to Members of Congress why increases to program areas of interest to ESL students, teachers, principals and other school leaders must be maintained. Members of Congress and their staff need to hear your perspectives and what resources you need to make a positive impact on the students you serve.