



# HOUSE APPROPRIATIONS

Congresswoman Nita Lowey | Chairwoman

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## **HOUSE AMENDMENT TO SENATE HUMANITARIAN SUPPLEMENTAL *Democratic Amendment Makes Critical Improvements For The Children***

### **Title I – Commerce, Justice, Science, and Related Agencies**

**Executive Office for Immigration Review** – \$65 million, including:

- \$45 million for 30 new Immigration Judge Teams;
- \$10 million for the purchase or lease of immigration judge courtroom space and equipment; and
- \$10 million for the Legal Orientation Program, which provides immigrants with information about their immigration legal proceedings.

**U.S. Marshals Service** – \$155 million to meet shortfalls in U.S. Marshals Service operational costs. These funds help prevent the need to use other Department resources and will prevent delays in implementation of the First Step Act, which is needed to reduce our incarcerated population and help prisoners reintegrate into society.

### **Title II – Defense**

**Army National Guard** – \$21 million to reimburse states for operating expenses in support of multiple missions including rotary-wing aviation support, strategic lift, medical assistance, mobile surveillance, command and control, and maintenance activities.

### **Title III – Homeland Security**

**U.S. Customs and Border Protection (CBP)** – \$1.3 billion, including:

- \$793 million for soft-sided and modular facilities to alleviate severe overcrowding in CBP custody;
- \$112 million for food, water, sanitary items, blankets, and other consumables for migrants, and for medical support, including mobile medical services;
- \$35 million for transportation of migrants from border patrol stations to alleviate overcrowding and expedite processing;
- \$110.5 million for temporary duty and overtime costs of CBP personnel;
- \$50 million for modernized data systems to better integrate immigration processing and reporting by the Departments of Homeland Security (DHS), Health and Human Services, and Justice; and
- \$200 million for an integrated, multi-agency processing center pilot program for families and unaccompanied children, with participation by non-profit organizations.

**Immigration and Customs Enforcement** – \$128.2 million, including:

- \$45 million for detention facility medical support, increased hospital expenses, and other related healthcare costs for migrants;

- \$5.1 million for reimbursement of other DHS components for personnel and equipment helping manage the border surge;
- \$20 million for Alternatives to Detention;
- \$35.9 million for transportation of unaccompanied children to Office of Refugee Resettlement custody;
- \$12 million for migrant transportation related to medical needs, court proceedings, and transfers from CBP custody; and
- \$10.2 million for background investigations for contractors and personnel, and for facility inspections.

**Federal Emergency Management Agency** – \$60 million for the Emergency Food and Shelter Program to assist jurisdictions experiencing a significant influx of migrants and non-profit organizations serving those communities.

In addition –

- Restricts the use of funds made available under this title to only the purposes specifically described.
- Provides an authorization extension for Other Transaction Authority that allows DHS to more easily procure and test innovative technologies.
- Directs the establishment of policies, procedures, guidance, and training programs to ensure CBP facilities funded in the bill comply with the National Standards on Transport, Escort, Detention, and Search.
- Directs the DHS Secretary to certify that the number of CBP Officers assigned to Northern border land ports of entry is not less than the number prescribed in the June 12, 2018, DHS Northern Border Strategy.
- Prohibits the relocation of certain positions under the Trusted Traveler Program to the National Targeting Center.
- Requires the Department to establish plans, standards and protocols to better protect the health and safety of individuals in DHS custody.

#### **Title IV – Labor, Health and Human Services, and Education, and Related Agencies**

**Refugee and Entrant Assistance** – \$2.9 billion. Addresses funding shortfalls for the remainder of fiscal year 2019 and anticipated funding needs through the first quarter of fiscal year 2020 for the Department of Health and Human Services’ (HHS) Unaccompanied Children program.

- **State-Licensed Shelters** – \$866 million. Funds State-licensed shelters in the Office of Refugee Resettlement (ORR) network, including \$212 million to expand capacity in small- and medium-scale State-licensed facilities to reduce reliance on influx shelters.

- **Legal Services, Child Advocates, and Post-Release Services** – \$100 million. Provides dedicated funding to restore and increase legal services for unaccompanied children, as well as the Child Advocate program which provides support for particularly vulnerable children, and post-release services through non-governmental organizations.
- **Federal Field Specialists and Case Management Services** – \$9 million. Provides funding to hire additional Federal Field Specialists and expand case management services for the purposes of more expeditiously placing children with sponsors, as well as to hire project officers to develop a discharge rate improvement plan to be delivered to the Committees within 120 days of enactment.
- **Office of Inspector General** – \$5 million. Provides funding for the Inspector General to conduct oversight of activities in the Unaccompanied Children program funded through emergency supplemental appropriations.
- **Restores Funding for Refugee Services** – Includes language to restore funding to other HHS programs whose funds have been reprogrammed to the Unaccompanied Children program since May 16, 2019.

In addition –

- Prevents the misuse of funds by prohibiting any transfers of funds out of the Refugee and Entrant Assistance account.
- Places strict conditions on influx shelters – Limits the use of influx shelters to emergency scenarios and requires influx facilities to do the following within specified timelines —
  - Come into compliance with the same requirements in the *Flores* Settlement for State-licensed facilities;
  - Maintain specific ratios of staff-to-children; and
  - Provide access to legal services.
- Prohibits the Secretary from waiving certain requirements of the *Flores* settlement if an influx shelter is not providing such services after six months and requires the Secretary to replace contractors or grantees who fail to meet certain standards required under the *Flores* settlement.
- Sets a limit of 90 days for the period of time an unaccompanied child can spend at an influx shelter.
- Prohibits funding from being used to change operational directives issued since December that have been helping to accelerate the identification and approval of sponsors for unaccompanied children.
- Protects sponsors and potential sponsors from DHS immigration enforcement based on information collected by HHS during the sponsor vetting process.
- Directs the Secretary to prioritize use of community-based residential care and State-licensed facilities.

- Prevents HHS from placing an unaccompanied child in an unlicensed influx facility if the child is under 13 years old; does not speak English or Spanish; has special needs; is pregnant or parenting; would have a diminution of legal services as a result of the transfer; or if the child is not expected to be placed expeditiously with a sponsor.
- Requires facilities caring for unaccompanied children to allow oversight visits from Members of Congress without a requirement for prior notice.
- Requires HHS to provide to Congress and make publicly available monthly reports on unaccompanied children who were separated from their parents or legal guardians.
- Requires HHS to submit a spend plan within 30 days and every 60 days thereafter.
- Requires HHS to report to Congress within 24 hours if an unaccompanied child dies in ORR custody.

#### **Title V – General Provisions**

Sec. 501 – Sec. 505: Technical budgetary provisions.

Sec. 506: Requires a Government Accountability Office report on the staffing levels for asylum officers, immigration judges, support staff, and on hearing and courtroom space.