



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
June 10, 2019

The Honorable Nita Lowey
Chairwoman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chairwoman Lowey:

On June 5, 2019, the Homeland Security Subcommittee considered the fiscal year (FY) 2020 Department of Homeland Security Appropriations bill. We are strongly opposed to the budgetary framework that underlies this and other appropriations bills being considered by the Appropriations Committee. In advance of Full Committee consideration of this bill, I would like to take this opportunity to share both these overall concerns as well as specific concerns related to this bill.

The Department of Homeland Security Appropriations bill is being considered under House Democrats' budget framework, which would raise the discretionary spending caps by more than \$350 billion in FYs 2020 and 2021 and does not reflect a House-passed budget resolution or a bipartisan, bicameral agreement. This would put the Federal Government on track to add nearly \$2 trillion to deficits over 10 years, while the national debt is already above \$22 trillion and rising.

In addition, the House Democrats' framework continues the misguided notion that increases to defense spending must be matched or exceeded by increases to non-defense spending. The bills under consideration actually provide more than twice as much additional funding in FY 2020 for non-defense than for defense programs, relative to FY 2019 levels. Investing in our national security remains a key Administration priority, but ensuring our defense does not require additional non-defense discretionary funding.

Excessive deficits continue to threaten the Nation's progress, and without action to restore the proper size and role of Government, deficits will remain over a trillion dollars per year for the foreseeable future. The President's FY 2020 Budget provides the Congress with a clear roadmap for bringing Federal spending under control. It proposes more spending reductions than any other administration has proposed in history, while providing necessary funding for defense, national security, and other critical needs. Importantly, the Budget protects these key priorities while adhering to the discretionary spending caps in current law. The Congress must do the same.

Overall, according to information provided in the Subcommittee press release, the bill provides \$49.7 billion in net discretionary funding, about \$1.9 billion, or nearly 3.8 percent below the FY 2020 Budget request and \$0.2 billion above the FY 2019 enacted level.

The Administration appreciates that the Subcommittee bill includes funding for some critical priorities, including the \$224 million requested in the FY 2020 Budget for construction of the new headquarters for the Cybersecurity and Infrastructure Security Agency (the St. Elizabeths Campus Project). Continuing work to co-locate the Department of Homeland Security (DHS) agencies makes significant progress on improving coordination of activities.

However, the bill includes funding that undermines the Administration's efforts to keep the Nation safe and hampers DHS's efforts to respond to the humanitarian and security crisis at the southern border. In addition, the Administration believes the bill underfunds key investments in critical areas supported in the FY 2020 Budget request, including:

- **Border Wall.** The bill provides no funding for the border wall and rescinds \$601 million in funding that was previously appropriated to Customs and Border Protection (CBP) for wall construction. The bill also would continue to restrict CBP from building the wall where the Border Patrol requires it.
- **Immigration and Customs Enforcement (ICE) Detention Beds.** The bill provides funding to support 34,000 detention beds, 20,000 below the FY 2020 Budget request for 54,000 detention beds and significantly below current operational levels.
- **Law Enforcement Officers.** The bill does not provide funding to hire additional Border Patrol Agents, ICE law enforcement officers, or support staff necessary to secure the border, maintain community safety, and enforce the Nation's immigration laws.
- **Visiting DHS Facilities.** The bill includes language that would allow Members of Congress, or designated employees of the House of Representatives and Senate, access to DHS detention and housing facilities with at least 24 hours advance notice. Such a provision implies that DHS seeks to restrict congressional oversight and is unnecessary since DHS already works with the Congress to accommodate visits on a regular basis.
- **Cybersecurity and Infrastructure Security Agency (CISA).** While the Administration appreciates support for CISA operations, it does not believe that the \$400 million in additional funding provided above the FY 2020 Budget request can be expended effectively given the Agency's hiring challenges.
- **Federal Emergency Management Agency Grant Funding.** The bill fails to fund the competitive grant program as proposed in the FY 2020 Budget request to fund Federal priorities and instead increases amounts for formulaic grants that are above historical levels.

The bill includes a number of highly objectionable immigration-related provisions which would reduce the Department's ability to flexibly and efficiently manage its funding and operationalize policy to enforce immigration laws. For example, in addition to the lack of funding in the bill for construction of barriers along the southern border, the bill includes a provision prohibiting the use of any Federal funding for that purpose.

The Administration is especially concerned with the level of operational directives and attempts to limit ICE's ability to execute its statutory duties. For example, limiting the number of detention beds between interior enforcement and border apprehensions restricts ICE's ability to remove dangerous criminals from American communities. The bill also limits DHS' ability to transfer resources that may be necessary to manage record levels of border apprehensions and continues to prevent the full vetting of sponsors for unaccompanied alien children. In addition, the bill would restrict ICE's ability to procure detention space, which could lead to a lengthy and bureaucratic process and increase costs.

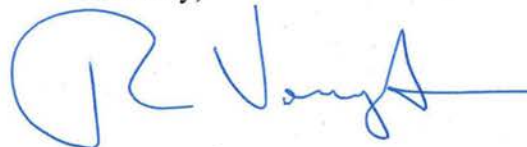
The bill also includes an objectionable provision that restricts DHS's use of the Migrant Protection Protocols (MPP), which govern DHS's program to return migrants to Mexico to await processing in the United States. Section 221 of the bill would require DHS to ensure access to legal counsel, address the safety of legal counsel traveling to Mexico, and provide a briefing to individuals on their legal rights and obligations. While the Administration appreciates that MPP should be implemented in a fair and efficient manner, this provision is unnecessarily burdensome and would constrain and reduce flexibility to pursue sensible efforts to address the crisis at the southern border.

The bill includes an objectionable provision on the DHS and Department of Health and Human Services Memorandum of Agreement that prohibits ICE from taking enforcement action against a sponsor, potential sponsor, or relevant household member unless a background check reveals a specified criminal history. This provision, section 223 of the bill, would restrict ICE's ability to investigate and combat human smuggling and fully vet sponsors to ensure the safety of unaccompanied alien children.

Another provision in the bill would prevent ICE from receiving transfers from or using mandatory fee funding deposited in the Immigration Examinations Fee Account for authorized purposes. This provision, section 407 of the bill, would reduce funding available to conduct immigration fraud investigations—a key component of immigration adjudication services—and sets a precedent for prohibiting the use of mandatory funding for authorized purposes.

As the Committee takes up the Department of Homeland Security Appropriations bill, the Administration looks forward to working with you to address these concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Vought", with a stylized flourish at the end.

Russell T. Vought
Acting Director

cc: The Honorable Lucille Roybal-Allard
The Honorable Chuck Fleischmann

Identical Letter Sent to the Honorable Kay Granger