



HOUSE APPROPRIATIONS

Congresswoman Nita Lowey | Chairwoman

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House Supplemental Prioritizes Humanitarian Needs, Protects Children and Families *Division-By-Division Comparison of House and Senate Emergency Border Supplementals*

Commerce, Justice, Science, and Related Agencies

The House bill includes \$50 million less for the Executive Office of Immigration Review.

Defense

The House bill does not include funding for the Department of Defense.

Homeland Security

The House bill includes \$200 million not included in the Senate bill for Customs and Border Protection for an integrated, multi-agency processing pilot, based on a proposal from United Nations High Commissioner for Refugees.

The House bill includes \$2.5 million not included in the Senate bill for Customs and Border Protection for small, quickly-deployable shelters.

The House bill does not include \$61 million included in the Senate bill to address an Immigrations and Customs Enforcement pay shortfall.

The House bill does not include \$3.7 million included in the Senate bill for Immigrations and Customs Enforcement deportation officer temporary duty and overtime costs.

The House bill does not include \$21.3 million included in the Senate bill for Immigrations and Customs Enforcement Homeland Security Investigations.

The House bill includes an additional \$5.2 million more than the Senate bill for the Immigration and Customs Enforcement Office of Professional Responsibility for background investigations and facility inspections.

The House bill includes an additional \$30 million more than the Senate bill for Federal Emergency Management Agency assistance to local jurisdictions and non-profits.

The House bill includes a provision not included in the Senate bill requiring the establishment of policy and guidance on the Migrant Protection Protocols program.

The House bill does not include a provision in the Senate bill authorizing Department of Homeland Security components to detail personnel and provide equipment in support of the border surge effort without reimbursement by Customs and Border Protection and Immigration and Customs Enforcement.

Labor, Health and Human Services, Education, and Related Agencies

The House bill includes a proviso not included in the Senate bill that allows the Department of Health and Human Services to provide the full breadth of legal services they were able to provide to unaccompanied children in fiscal year 2017, including direct representation services.

The House bill includes additional safeguards not included in the Senate bill against the misuse of funds by prohibiting any transfers of funds out of the Refugee and Entrant Assistance account unless the transfer has been specifically designated in statute by Congress to the Office of Inspector General.

The House bill requires the Department of Health and Human Services to continue to run the Office of Refugee Resettlement program under the operational directives issued since December that have been helping to accelerate the identification and approval of sponsors for unaccompanied children. The Senate bill includes subsections intended to give the Secretary flexibility to modify the Operational Directives.

The House bill includes stricter conditions on the use of influx facilities, requiring the facilities to meet all of the standards required by the Flores Settlement Agreement within twelve months (six months and up to three 60-day waivers if the grantee is working towards compliance). The Senate bill gives the Department of Health and Human Services a total of 14 months (six months and up to four 60-day waivers) to meet the standards the Secretary deems applicable to influx facilities, giving the Secretary flexibility to deem some Flores standards as non-applicable for influx facilities.

The House bill prevents the Department of Health and Human Services 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. The Senate bill gives the Department of Health and Human Services flexibility to apply these restrictions “when feasible”.

The House bill requires facilities caring for unaccompanied children to allow oversight visits from Members of Congress without requiring Members to provide advanced notification. The Senate bill requires advance notice of two business days.

The House bill includes a provision not included in the Senate bill that requires the Department of Health and Human Services to report to Congress within 24 hours if an unaccompanied child dies in Office of Refugee Resettlement custody.

State, Foreign Operations, and Related Programs

The House bill includes the following provisions not included in the Senate bill:

- Requires the Administration to employ the resources Congress already provided for the Northern Triangle countries for fiscal years 2017, 2018, and 2019 for the purposes for which the funds were appropriated and based on the Administration’s own plans for the use of the funds.
- Clarifies the intent of prior year appropriations for Guatemala, Honduras, and El Salvador which specifically required these governments to take steps to curb migration, improve border security, including preventing human smuggling and trafficking, and trafficking of illicit drugs and other contraband; combat corruption; and support programs to reduce poverty and promote equitable growth, particularly in areas contributing

to large number of migrants, among many other conditions.

- Provides that not less than 75 percent of any funds that cannot be provided to the central governments of such countries due to their failure to meet the certification requirements shall be reprogrammed through nongovernmental organizations or local entities in such countries and that the balance of such reprogramming must be to countries within Latin America and the Caribbean.