



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

September 22, 2023
(House Rules)

STATEMENT OF ADMINISTRATION POLICY
H.R. 4367 — Department of Homeland Security Appropriations Act, 2024
(Rep. Granger, R-TX)

The Administration strongly opposes House passage of H.R. 4367, making appropriations for the Department of Homeland Security for the fiscal year (FY) ending September 30, 2024 and for other purposes.

In May, the Administration negotiated in good faith with the Speaker on bipartisan legislation to avoid a first-ever default and protect the Nation's hard-earned and historic economic recovery. This negotiation resulted in the Fiscal Responsibility Act (FRA) of 2023, which passed with overwhelming bipartisan support and set spending levels for FYs 2024 and 2025. The agreement held spending for non-defense programs roughly flat with FY 2023 levels, a compromise that protected vital programs Americans rely on from draconian cuts House Republicans proposed. The agreement also protected historic legislative accomplishments from the past two years, including the Inflation Reduction Act of 2022 (IRA), Honoring our PACT Act of 2022, CHIPS and Science Act, and the Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law).

House Republicans had an opportunity to engage in a productive, bipartisan appropriations process, but instead, with less than two weeks before the end of the fiscal year, are wasting time with partisan bills that cut domestic spending to levels well below the FRA agreement and endanger critical services for the American people. These levels would result in deep cuts to climate change and clean energy programs, essential nutrition services, law enforcement, consumer safety, education, and healthcare.

These bills include billions in additional rescissions from the IRA and other vital legislation that would result in unacceptable harm to clean energy and energy efficiency initiatives that lower energy costs and critical investments rural America.

The draft bills also include numerous new, partisan policy provisions with devastating consequences including harming access to reproductive healthcare, threatening the health and safety of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI+) Americans, endangering marriage equality, hindering critical climate change initiatives, and preventing the Administration from promoting diversity, equity, and inclusion.

The Administration stands ready to engage with both chambers of the Congress in a bipartisan appropriations process to enact responsible spending bills that fully fund Federal agencies in a timely manner.

If the President were presented with H.R. 4367, he would veto it.

The Administration would like to take this opportunity to share additional views regarding the House Appropriations Committee's (Committee) version of the bill.

Department of Homeland Security (DHS)

Border Management Funding. The Administration is disappointed that the bill does not include funding for a new Southwest Border Contingency Fund. This fund would enable DHS to respond more effectively to changing conditions on the Southwest border and fulfill its critical and complementary missions of securing the border, performing efficient and effective screening and processing, and meeting the Nation's humanitarian obligations. The Administration looks forward to working with the Congress on the details of such a fund. In addition, in August, the Administration submitted a supplemental appropriations request for border security and urges the Congress to act on this request as soon as possible.

Shelter and Services Program. The Administration strongly opposes the elimination of the Shelter and Services Program, a priority grant program for DHS that provides temporary food, shelter, and other services to state and local entities and non-governmental organizations that provide support to migrants who are released from DHS custody. This grant program is a key mechanism for Customs and Border Protection (CBP) to relieve overcrowding in short-term holding facilities.

United States Citizenship and Immigration Services (USCIS) Funding. The Administration is disappointed the bill fails to provide appropriations for USCIS application processing and grant programs. The Administration strongly urges the Congress to provide these critical funds for USCIS to improve asylum processing, meet the Administration's refugee admissions goal, address the application processing backlog, and provide citizenship and integration grants. Without this funding, USCIS would be unable to improve its operations and the application processing backlog would continue to grow in FY 2024.

Transportation Security Administration (TSA) Pay Parity. The Administration appreciates the Committee's support for pay parity for Transportation Security Officers. However, the Administration urges the Congress to provide pay parity for all TSA employees in order to avoid a partial roll-back of the full pay parity initiative that was funded in FY 2023 appropriations and that TSA is currently implementing. In addition, the Administration urges the Congress to include funding for expanded collective bargaining and merit system protections.

Flood Hazard Mapping. The Administration appreciates the Committee's continued support for the Federal Emergency Management Administration's flood hazard mapping program, as this funding is essential to maintaining flood maps, creating new maps, and incorporating future conditions so that stakeholders have the most up-to-date flood risk information to inform decision-making.

Targeting Violence and Terrorism Prevention (TVTP) Grants. The Administration is disappointed the bill eliminates the TVTP grant program. TVTP provides funding to nonprofits and to State, local, tribal, and territorial governments to develop multidisciplinary targeted violence and terrorism prevention capabilities in local

communities, to pilot innovative prevention approaches, and to identify prevention best practices that can be replicated in communities across the Nation.

Immigration Enforcement Prohibitions and Requirements. The Administration strongly opposes section 220 of the bill, which would prohibit U.S. Immigration and Customs Enforcement (ICE) from using appropriated funds to carry out the Administration's immigration enforcement priorities. The Administration also strongly opposes the requirement in the bill for ICE to fill 41,500 detention beds and enroll all non-detained migrants in Alternatives to Detention. These requirements are unrealistic, pose implementation challenges, and would dilute the Department's focus on protecting America from security threats.

Restrictions on Alternatives to Detention (ATD). The Administration strongly opposes the restrictions the bill places on ATD, including eliminating funding for the Young Adult Case Management Program, eliminating funding for Operation Horizon, and eliminating grant funds for a case management pilot program. These restrictions would simultaneously strain limited resources and remove valuable flexibilities in managing low-risk populations.

Limiting Interior Transportation. The Administration opposes the prohibition on the use of appropriated funds to transport noncitizens to interior locations for purposes other than immigration enforcement. Prohibiting the transport of noncitizens to interior locations risks overcrowding at border processing sites and other DHS facilities, threatening to exacerbate life and safety concerns of those in custody.

Restrictions on Access to Healthcare. The Administration strongly opposes section 222 of the bill, which would make it more difficult to access lawful reproductive healthcare. The Administration also strongly opposes section 223 of the bill, which targets LGBTQI+ individuals who are in ICE detention.

Prohibiting the Implementation of the Asylum Processing Rule. The Administration strongly opposes the bill's prohibition on using funds to implement the Administration's Asylum Processing Rule. A key part of the Administration's efforts to streamline the immigration system, the rule allows USCIS Asylum Officers to hear and decide certain asylum claims in the first instance.

Prohibiting the Implementation of the Legal Pathways Rule. The Administration strongly opposes the bill's prohibition on using funds to implement the Administration's Circumvention of Lawful Pathways Rule. The Rule encourages migrants to use lawful, safe, and orderly processes for entering the United States; imposes conditions on asylum eligibility for those who fail to do so or fail to seek protection in a country through which they transit; and supports the swift return of migrants who do not have valid protection claims. The bill would undermine DHS's continued ability to safely, effectively, and humanely enforce and administer U.S. immigration law.

Restricting the Use of the CBP One Application. The Administration strongly opposes the bill's restrictions on using the CBP One application. A key part of the Administration's efforts to foster fair and orderly conditions at the border, the CBP One application allows border officials to screen migrants seeking asylum along the Southwest border, and issue them a document to appear in court upon their arrival.

Border Wall. The Administration opposes the bill's rescission and reappropriation of \$2.1 billion in border wall funding. Building a border wall is not a serious policy solution nor is it a responsible use of Federal funds.

Constitutional Concerns

The Administration objects to section 538 of the Act, which would bar the use of funds appropriated to the Department of Homeland Security to transfer, release, or assist in the transfer or release of Guantánamo Bay detainees into the United States. It is the longstanding position of the Executive Branch that these provisions unduly impair the ability of the Executive Branch to determine when and where to prosecute Guantánamo Bay detainees and where to send them upon release. In addition, certain provisions of the draft bill raise separation of powers concerns, including by conditioning the Executive's authority to take certain actions on receiving the approval of the House and Senate Committees on Appropriations. The Administration looks forward to working with the Congress to address these and other concerns.

The Administration looks forward to working with the Congress as the FY 2024 appropriations process moves forward.

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