



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

June 24, 2024  
(House Rules)

## STATEMENT OF ADMINISTRATION POLICY

### H.R. 8752 — Department of Homeland Security Appropriations Act, 2025

(Rep. Cole, R-OK)

The Administration strongly opposes House passage of H.R. 8752, making appropriations for the Department of Homeland Security (DHS) for the fiscal year (FY) ending September 30, 2025 and for other purposes.

Earlier this year, the Administration and members of both parties in the Congress came together to pass bipartisan appropriations bills to fund programs that keep Americans safe and healthy, invest in education and affordable housing, and build on the economic progress of the past three and a half years. These appropriations bills are consistent with the agreement the President and House Republican leadership reached last year to avoid a first-ever default and protect the President's investment agenda and critical programs from deep cuts, using necessary adjustments to statutory caps.

Rather than respecting their agreement and taking the opportunity to engage in a productive, bipartisan appropriations process to build on last year's bills, House Republicans are again wasting time with partisan bills that would result in deep cuts to law enforcement, education, housing, healthcare, consumer safety, energy programs that lower utility bills and combat climate change, and essential nutrition services.

The draft bills also include numerous, 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 reiterates the importance of the Southwest border funding included as part of the Administration's October supplemental appropriations request and also calls on the Congress to support the toughest and fairest border security agreement in decades, which would deliver significant policy changes, resources, and personnel needed to secure the border and make the Nation safer. The Administration urges the Congress to pass the bipartisan agreement reached in the Senate to provide needed authorities and resources for DHS efforts to secure the border.

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

If the President were presented with H.R. 8752, 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)

The House DHS bill fails to include the additional resources the Administration requested, and that the Senate bipartisan bill would have provided, that are required to better secure the border and reduce unlawful migration. The bill does not include increases for personnel that are critically needed to quickly deliver consequences at the border to those who cross unlawfully. In its emergency supplemental funding request, the Administration requested funds for DHS to hire additional border patrol agents and asylum officers. The bipartisan Senate bill would have provided an additional 1,500 U. S. Customs and Border Protection (CBP) personnel and 4,300 asylum officers as well as critical reforms to the asylum system that would help make the border more secure and efficient. The Administration encourages House Republicans to stop playing partisan politics with the security of the Nation's border and to work with Democrats to fund these critically needed resources for DHS.

*Border Enforcement Funding.* The Administration is disappointed that the bill does not include funding for the requested Southwest Border Contingency Fund or other funding to help DHS better respond to unlawful entries at the Southwest border. This fund would enable DHS to respond more effectively to the rapidly changing operational requirements along on the Southwest border and fulfill its critical and complementary mission of securing the border, screening and processing individuals, and meeting the Nation's humanitarian obligations. The Administration looks forward to working with the Congress to ensure that the Department has the resources and tools it needs to adjust its operations to meet the requirements of the dynamic border environment.

*Immigration Enforcement Prohibitions and Requirements.* The Administration strongly opposes section 224 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—priorities that include ensuring that criminals and recent border crossers are removed quickly. Similarly, the Administration opposes other provisions in the bill that interfere with ICE's ability to conduct its statutory mission and operate in the most effective way possible.

*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 is designed to resolve asylum claims significantly faster by allowing U.S. Citizenship and Immigration Services (USCIS) asylum officers to hear and decide certain asylum claims in the first instance, and having immigration judges issue final decisions much more quickly. This allows individuals in immigration court proceedings to receive protection, or be removed to their home countries, much faster.

*Prohibiting Implementation of the Lawful 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 significantly strengthened the consequences in place at the border for individuals who fail to use lawful, safe, and orderly processes for entering the United States by imposing strict conditions on asylum

eligibility for those who fail to do so and fail to seek protection in a country through which they transit. The rule has significantly reduced screen in rates during credible fear interviews, allowing DHS to more swiftly remove migrants who do not have valid protection claims. The bill would undermine DHS's ability to impose consequences at the border for individuals who cross unlawfully, and is yet another example of Congressional Republicans prioritizing partisan politics over real world solutions.

*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 refer them to immigration court proceedings.

*Shelter and Services Program Grants.* 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 CBP to relieve overcrowding in short-term holding facilities and return frontline law enforcement personnel back to their primary mission of securing the border. It is also a critical lifeline for State and local governments along the Southwest border as well as in the interior of the United States.

*USCIS Asylum Personnel.* The Administration is disappointed the bill fails to provide appropriations to hire additional asylum officers. Asylum officers play a critical role in DHS' ability to swiftly deliver consequences at the border, interviewing migrants who cross unlawfully to identify those who can be swiftly removed from the United States. The lack of sufficient asylum officers has limited DHS' ability to process individuals for expedited removal at the border and directly contributed to the release of individuals from CBP facilities—something that House Republicans have purported to want to stop. However, the bill provides no funding for additional asylum officers, which will continue to limit DHS' ability to quickly remove individuals who cross the border unlawfully.

*USCIS Refugee Operations.* The Administration is disappointed that the bill fails to provide appropriations for USCIS to help administer the U.S. Refugee Admissions Program (USRAP). The USRAP is a key component of the Administration's overall plan to provide migrants seeking protection with safe, orderly processes to come to the United States. Without the funding requested for refugee operations, USCIS would not be able to do its part to meet the Administration's refugee admissions goal in FY 2025—putting even more pressure on our border.

*USCIS Fee Rule.* The Administration strongly opposes section 414 of the bill, which that would prevent USCIS from collecting an asylum program fee. USCIS plays a critical role in the operation of the immigration system, both in terms of delivering humanitarian relief to individuals who qualify for it and swift consequences to those who do not. USCIS receives no appropriated funds for its humanitarian workload in this bill and must cover its costs using fees collected when adjudicating immigration benefits. The collections resulting from USCIS most recent fee rule are vital to maintain agency operations, including continuing to reduce the application backlog, adjudicating a record number of new immigration benefit applications, and managing the agency's humanitarian workload.

*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.

*Prohibiting Funding for Sanctuary Cities.* The Administration strongly opposes section 549 of the bill, which would prohibit critical funds from reaching jurisdictions that adopt policies limiting cooperation with DHS on interior immigration enforcement. While the Administration seeks to work cooperatively with all jurisdictions to improve immigration enforcement, this would have the perverse consequence of limiting funds for groups like disaster survivors, firefighters, and first responders.

*Border Wall.* The Administration opposes the bill's rescission and reappropriation of \$600 million in funding for border wall construction.

*Immigration Detention Ombudsman.* The Administration strongly opposes the Committee's decision to defund the Office of the Immigration Detention Ombudsman, which oversees a major immigration function and helps to protect and ensure humane conditions the vulnerable in the U.S. detention system.

*National Capital Region Consolidation.* The Administration is disappointed that the bill does not provide the requested \$187 million for DHS's National Capital Region consolidation project, denying funding for construction of new headquarters buildings at the St. Elizabeths campus and needed facility improvements at other locations. This will result in future cost increases, hinder the Department's attempts to improve intra-departmental coordination, and complicate real estate and personnel management.

*DHS Office of Secretary Grants.* The Administration is disappointed that the bill eliminates the Targeting Violence and Terrorism Prevention (TVTP) grant program and the Case Management Pilot Program (CMPP). 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. CMPP is an Alternatives to Detention program that provides voluntary case management and other services to ensure that noncitizens in removal proceedings have access to legal information and other critical services.

*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.

*Coast Guard Indo-Pacific Presence.* The Administration appreciates the Committee's support for the Coast Guard to increase its presence in the Indo-Pacific region. This funding is essential in order to invest in additional Fast Response Cutters and Medium Endurance Cutters to further the Indo-Pacific Strategy of the United States through expanded presence, training, and engagement.

*Program Reauthorizations.* The Administration is disappointed that the bill does not include authorization for DHS's Chemical Facility Anti-Terrorism Standards (CFATS) Program, which expired on July 28, 2023, or the DHS Countering Weapons of Mass Destruction (CWMD) Office, which expires on September 30, 2024, as requested in the Budget. CFATS is critical to ensuring adequate physical security standards at high-risk chemical facilities and DHS's continued leadership through the CWMD works to prevent attacks against the United States using a weapon of mass destruction through timely and responsive support to operational partners.

### Constitutional Concerns

Certain provisions of the draft bill raise separation of powers and other constitutional 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 2025 appropriations process moves forward.

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