

The Honorable Nancy Pelosi
Speaker
The Honorable Kevin McCarthy
Minority Leader
The Honorable Nita Lowey
Chairwoman, Committee on Appropriations
The Honorable Kay Granger
Ranking Member, Committee on Appropriations
The Honorable Lucille Roybal-Allard
Chairwoman, Committee on Appropriations, Subcommittee on Homeland Security
The Honorable Chuck Fleischmann
Ranking Member, Committee on Appropriations, Subcommittee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
The Honorable Chuck Schumer
Minority Leader
The Honorable Richard Shelby
Chairman, Committee on Appropriations
The Honorable Patrick Leahy
Ranking Member, Committee on Appropriations
The Honorable Shelley Moore Capito
Chairwoman, Committee on Appropriations, Subcommittee on Homeland Security
The Honorable Jon Tester
Ranking Member, Committee on Appropriations, Subcommittee on Homeland Security
U.S. Senate
Washington, DC 20510

September 12, 2019

Re: Priorities for Fiscal Year 2020 Department of Homeland Security Appropriations

Dear Members of Congress:

This month marks the end of the third fiscal year of the Trump administration, and again we are struck by the enormity of the changes in the immigration and border policy landscape in the United States. **In the face of a White House that chips away at the norms of good governance each day, we urge you to ensure that in Fiscal Year 2020 Congress cuts the Department of Homeland Security (DHS)'s budget for detention, enforcement, and border militarization, while putting accountability measures in place to stop the agency's pattern of abuse of the appropriations process.**

DHS has seen massive budget increases under the Trump administration, with Customs and Border Protection's (CBP) budget growing from \$13.3 billion in 2016 to \$18.4 billion in 2019, and Immigration and Customs Enforcement's (ICE) from \$6.2 billion in 2016 to \$8.1 billion in 2019. DHS has achieved much of this growth in violation of the expressed intent of congressional appropriators by moving money around within the agency¹ and obtaining specially apportioned payments outside of the

¹ See Adiel Kaplan, NBC News, "DHS transferred \$169 million from other programs to ICE detention," September 13, 2018, <https://www.nbcnews.com/politics/immigration/dhs-transferred-169-million-other-programs-ice-migrant-detention-n909016>.

usual budget process.² Just last month we learned that DHS intends to move \$271 million from FEMA, the Coast Guard, and other accounts in order to further expand the immigration detention system and pursue the abhorrent “Migrant Protection Protocols,” a program that returns asylum seekers to Mexico where many face extreme violence.³ This is in fact the fourth consecutive year that DHS has transferred or reprogrammed funds to pay for its expansion of the detention system — 60% in just over three years — all contrary to expressed congressional intent.

This administration has also gone to extreme lengths to divert resources Congress has appropriated for other agencies to DHS to further surveil and militarize the border. This year alone, the White House has engaged in a targeted scheme to divert upwards of \$7 billion to build more border wall, even after Congress had rejected this funding request. This past spring, the administration transferred roughly \$2.5 billion from Pentagon military pay and pension and surveillance program funds to a Department of Defense drug-interdiction account to pay for additional border wall construction.⁴ It was recently announced that the administration would grab a further \$3.6 billion that Congress had appropriated for military construction projects to build more of the president’s border wall.⁵

We are clear-eyed about the motivations behind DHS’s machinations in the budget process: the agency seeks to direct as much funding as it can toward measures that will further the White House’s enforcement-only approach to immigration policy—building additional border wall, putting more CBP and ICE agents between immigrants and their loved ones, and jailing more immigrants, including children, in inhumane conditions for longer periods of time. We see the human costs in our communities each day: tearful children left stranded in a gymnasium when ICE rounded up hundreds of their parents at work in Mississippi;⁶ immigrants brutally pepper sprayed while jailed in remote prisons for months and years on end;⁷ beloved community members deported to countries where harm

² National Immigrant Justice Center, Detention Watch Network, *et al.*, *Appropriations Season is Upon Us: Stop DHS’s Pattern of Manipulating Short-Term Spending Bills for Political Gain* (August 2019), <https://docs.google.com/document/d/1p43eRDKEPznuBH0irZGd7fERtDdco917UZ2zCx6hEXc/edit>; National Immigrant Justice Center, *DHS’s Secret Detention Expansion is Dangerous for Immigrants, and Democracy* (January 2019), <https://www.immigrantjustice.org/staff/blog/dhss-secret-detention-expansion-dangerous-immigrants-and-democracy>.

³ Julia Ainsley, NBC News, “Trump admin pulling millions from FEMA disaster relief to send to southern border,” August 27, 2019, <https://www.nbcnews.com/politics/immigration/trump-admin-pulling-millions-fema-disaster-relief-send-southern-border-n1046691>.

⁴ Andrew Taylor, Associated Press, “Senator: Pentagon may tap leftover military pay, pension accounts for border wall,” March 7, 2019, <https://www.militarytimes.com/news/pentagon-congress/2019/03/07/senator-pentagon-may-tap-military-pay-pensions-for-border-wall/>; Dan Lamothe, Washington Post, “Pentagon will pull money from ballistic missile and surveillance plane programs to fund border wall,” May 12, 2019, <https://www.washingtonpost.com/national-security/2019/05/12/pentagon-will-pull-money-ballistic-missile-surveillance-plane-programs-fund-border-wall/?noredirect=on>.

⁵ Jennifer Scholtes *et al.*, Politico, “Trump administration prepares to raid military projects for border wall,” September 3, 2019, <https://www.politico.com/story/2019/09/03/trump-administration-prepares-to-raid-military-projects-for-border-wall-1479981>.

⁶ Tim Craig, Scott Wilson and Nick Miroff, The Washington Post, “U.S. defends secretive Mississippi ICE raids as local, state officials decry effect on children,” August 8, 2019, https://www.washingtonpost.com/national/us-defends-secretive-miss-ice-raids-as-local-state-officials-decry-effect-on-children/2019/08/08/485d6240-ba21-11e9-b3b4-2bb69e8c4e39_story.html.

⁷ Hamed Aleaziz, BuzzFeed, “More than 100 immigrants were pepper-sprayed at an ICE facility,” August 6, 2019, <https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrants-pepper-sprayed-louisiana-pine-prairie>.

and death often await,⁸ and rampant abuse and violence that has led to the deaths of upwards of 100 individuals, including children, at the hands of CBP since 2003.⁹

It is not too late for Congress to re-assert its authority over appropriations.

In spending negotiations for the DHS appropriations bill for Fiscal Year 2020, we urge you to fight for the following critical priorities:

1. *Cut funding for ICE and CBP, including decreased funding for detention and agents, and no border wall funding.*
2. *Terminate DHS's authority to transfer and reprogram funds for the purpose of detention and enforcement.*
3. *Terminate the "Migrant Protection Protocols," or MPP program, an unlawful¹⁰ and shameful program that returns asylum seekers to Mexico to await their court dates. There are more than 140 publicly reported cases of rape, kidnapping, and assault against asylum seekers forced to return to harm through this program.¹¹*
4. *Place strong guardrails on the treatment of people in ICE and CBP custody, particularly ensuring that no person is held in CBP custody for longer than 72 hours. As many members of Congress have observed first hand, no amount of funding will ensure that ICE and CBP treat those in its custody humanely unless the law instructs them to do so.¹²*

Should DHS be funded under a Continuing Resolution for some time prior to reaching a negotiated bill, we urge you to hold DHS accountable to its appropriated budget for detention, agents and the wall as provided in the FY19 bill. A Continuing Resolution is intended to provide flat funding that extends agency budgets at the level provided in the previous year, yet DHS has repeatedly utilized loopholes in appropriations law to significantly expand its enforcement footprint during previous periods of

⁸ Elliot Hannon, Slate, "U.S. Deported a Detroit man to Iraq, Where He'd Never Been and Didn't Speak the Language. He Died on the Street," Aug. 8, 2019, <https://slate.com/news-and-politics/2019/08/detroit-michigan-man-deported-died-iraq-diabetic-homeless.html>.

⁹ Sarah Macareg, The Guardian, "Fatal Encounters: 97 Deaths Point to Pattern of Border Agent Violence Across America," May 2, 2018, <https://www.theguardian.com/us-news/2018/may/02/fatal-encounters-97-deaths-point-to-pattern-of-border-agent-violence-across-america>.

¹⁰ American Civil Liberties Union, *Groups file lawsuit against Trump policy that forces the return of asylum seekers to Mexico*, Feb. 14, 2019, <https://www.aclu.org/press-releases/groups-file-lawsuit-against-trump-policy-forces-return-asylum-seekers-mexico>.

¹¹ Human Rights First, *Delivered to Danger: Illegal Remain in Mexico Policy Imperils Asylum Seekers' Lives and Denies Due Process* (Aug. 2019), <https://www.humanrightsfirst.org/sites/default/files/Delivered-to-Danger-August-2019%20.pdf>; Human Rights First, Complaint to DHS Office of Civil Rights and Civil Liberties and Office of Inspector General, Re: "Rape, Kidnapping, Assault and Other Attacks on Asylum Seekers and Migrants Returned to Mexico Under the 'Migrant Protection Protocols'; Returns of Other Vulnerable Individuals," Aug. 26, 2019, <https://www.humanrightsfirst.org/sites/default/files/OIG-CRCL-Complaint-MPP.pdf>.

¹² Garrett M. Graff, Politico Magazine, "The Border Patrol Hits a Breaking Point," July 15, 2019, <https://www.politico.com/magazine/story/2019/07/15/border-patrol-trump-administration-227357>; Julia Ainsley and Jacob Soboroff, NBC News, "Migrant child alleges she was 'beaten and abused' at Clint, Texas border station," July 25, 2019, <https://www.nbcnews.com/politics/immigration/migrant-child-alleges-she-was-beaten-abused-clint-texas-border-n1034431>.

continued funding. Congress must not permit this dangerous disregard for congressional authority to go unanswered.

In order to keep a Continuing Resolution on DHS spending truly clean, Congress must:

1. *Reject requests from DHS to obtain an anomaly (lump sum payment) at the outset of a Continuing Resolution to supplement its budget for additional detention funds, agents, or border wall funds.*
2. *Limit ICE's spending on detention and enforcement to the normally apportioned amounts pursuant to the funding levels in the 2019 appropriations bill, thereby precluding ICE from obtaining an "exception apportionment" to expand detention against congressional intent as it has done for several years running.*

Thank you for your consideration of these priorities, which we believe to be critical to the health of democracy in the United States and the protection of the basic human rights of our diverse and thriving communities. Enforcement-only practices have only led to the dehumanization and gross abuse of people who have made immense contributions to our nation's culture and economy and to those who are coming to our borders to seek a better life or flee violence. Instead of funding an agency that thumbs its nose at Congress and our Constitution, Congress should fund them at a lesser level and invest taxpayer dollars into health, education, and community services.

With any questions, please contact Heidi Altman at the National Immigrant Justice Center at haltman@heartlandalliance.org.

Sincerely,

National Organizations

Advancement Project

Advancing Justice - Asian Law Caucus

Alianza Americas

America's Voice

American Civil Liberties Union

American Friends Service Committee

American Immigration Lawyers Association

American Muslim Empowerment Network

Amnesty International USA

Asian American Legal Defense and Education Fund (AALDEF)

Asian Americans Advancing Justice | AAJC

Asian Pacific American Labor Alliance, AFL-CIO

Asian Pacific Institute on Gender-Based Violence

ASISTA

Asylum Seeker Advocacy Project (ASAP)

Autistic Self Advocacy Network
Bend the Arc: Jewish Action
Black Alliance for Just Immigration
Bridges Faith Initiative
Center for Gender & Refugee Studies
Center for Integration and Courageous Living
Center for Law and Social Policy (CLASP)
Center for Popular Democracy
Center for Victims of Torture
Center on Privacy and Technology at Georgetown Law
Central Pastoral Office for Hispanic Ministries, Christian Church (Disciples of Christ)
Christian Reformed Church Office of Social Justice
Church World Service
Coalition on Human Needs
Columbia Law School Immigrants' Rights Clinic
Common Defense
Conference of Superiors of Men (Catholic)
Congregation of Our Lady of the Good Shepherd, U.S. Provinces
CREDO
Detention Watch Network
Disciples Center for Public Witness
Disciples Refugee & Immigration Ministries
Doctors For Camp Closure
Dominican Sisters of Sinsinawa
Earthjustice
Fair Immigration Reform Movement (FIRM)
Faith in Public Life
Familia: Trans Queer Liberation Movement
Families Belong Together
Food Empowerment Project
Freedom for Immigrants
Freedom Network USA
Friends Committee on National Legislation
Generation Progress
Government Information Watch
Grassroots Leadership
HIAS
Hispanic Federation
Human Rights Defense Center
Human Rights First
Ignatian Solidarity Network

Immigrant Defense Project
Immigration Equality
Immigration Hub
Indivisible
Innovation Law Lab
InterReligious Task Force On Central America
Justice Strategies
LA RED, Faith in Action
Latin America Working Group (LAWG)
The Leadership Conference on Civil and Human Rights
Leadership Conference of Women Religious
Maryknoll Office for Global Concerns
Mennonite Central Committee U.S. Washington Office
Million Hoodies Movement for Justice
MomsRising
MoveOn
National Advocacy Center of the Sisters of the Good Shepherd
National Asian Pacific American Women's Forum (NAPAWF)
National Association of Social Workers
National Center for Transgender Equality
National Council of Jewish Women
National Equality Action Team (NEAT)
National Immigrant Justice Center
National Immigration Law Center
National Korean American Service & Education Consortium (NAKASEC)
National Network for Immigrant and Refugee Rights
National Organization for Women
National Partnership for New Americans
NETWORK Lobby for Catholic Social Justice
New Sanctuary Coalition
NIAC Action
People's Action
Positive Women's Network
Private Corrections Institute
Project South
Public Citizen
Quixote Center
Reconstructionist Rabbinical Association
Restore The Fourth
Service Employees International Union (SEIU)
Serving the Americas Foundation

Sierra Club
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center
Southern Border Communities Coalition
Transgender Law Center
UNAVSA
Union for Reform Judaism
Unitarian Universalist Service Committee
United We Dream
US Campaign for Palestinian Rights
Washington Office on Latin America
Win Without War
The Workmen's Circle

Regional, State and Local Organizations

Adelante Alabama Worker Center
Advocate Visitors with Immigrants in Detention in the Chihuahuan Desert
AFSC Colorado
Al Otro Lado
Albuquerque Center for Peace & Justice
API Equality-LA
Arab American Association of New York
Asian Americans Advancing Justice-Chicago
Asian Americans Advancing Justice-Atlanta
Asian Americans Advancing Justice-LA
Asian Americans United
Asylum Seeker Assistance Project
Austin Sanctuary Network
Bend the Arc: South Florida
Boise Chapter of Great Old Broads for Wilderness
The Bronx Defenders
Brooklyn Defender Services
Cabrini Immigrant Services of NYC, Inc.
Capital Area Immigrants' Rights Coalition
CASA
Catholic Charities SF
Centro de Trabajadores Unidos
Christian Church Capital Area
Church of Our Saviour/La Iglesia de Nuestro Salvador
Clergy and Laity United for Economic Justice
Cleveland Jobs with Justice

Coalition for Humane Immigrant Rights (CHIRLA)
Congregation Action Network
DC-MD Justice For Our Neighbors
DRUM: Desis Rising Up and Moving
Equality California
Esperanza Community Housing
Essex County Community Organization (ECCO)
Faith in Indiana
Faith in New York
The Florence Immigrant & Refugee Rights Project
Filipinx for Immigrant Rights & Racial justice MN
Friends of Miami-Dade Detainees
Friends of Broward Detainees
Gay Liberation Network
Granite State Organizing Project
H-CAN Immigration and Refugee Group
HIAS Pennsylvania
Hilton Head for Peace
HOPE Border Institute
Human Rights Initiative of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Immigrant and Non-Citizen Rights Clinic, CUNY School of Law
Immigrant Legal Advocacy Project
Immigrant Rights Action
Indivisible East Bay
Indivisible Gainesville
Indivisible Marin
Indivisible Northern Nevada
Indivisible Ventura
Inland Coalition for Immigrant Justice
Interfaith Movement for Human Integrity
Interfaith Coalition on Immigration, MN
Irish International Immigrant Center
ISLA
Jewish Alliance for Law and Social Action
Jewish Bridge Project of New Mexico
Kent Street Coalition
Kino Border Initiative
KIWA
La Resistencia
La Unión del Pueblo Entero (LUPE)

Las Americas Immigrant Advocacy Center
Legal Aid Justice Center
Legal Services for Children
Long Beach Immigrant Rights Coalition
Los Angeles LGBT Center
Make the Road New York
MCAN
MEKONG NYC
Meriden Congregational Church, UCC
Migrant Center for Human Rights
Migrant Justice / Justicia Migrante
Migrant Rights Collective
MIRA! Mississippi Immigrants Rights Alliance
Mujeres Latinas en Acción
National Korean American Service and Education Consortium Virginia (NAKASEC VA)
NC Asian Americans Together
NM café
NorCal Resist
Normal Heights Indivisible (NHI)
Northwest Immigrant Rights Project
Northwest Philadelphia Immigrant Action and Mobilization
NWI Resist
Ohio Immigrant Alliance
Open Immigration Legal Services
Organization for Refugee and Immigrant Success
Parent Revolution
PASO - West Suburban Action Project
Pennsylvania Immigration and Citizenship Coalition
Pilipino Workers Center
Promesa Boyle Heights
Public Counsel
Reformed Church of Highland Park
RGV Equal Voice Network
Rocky Mountain Immigrant Advocacy Network
Rural Organizing Project
San Diego Immigrant Rights Consortium
Seattle Indivisible
Services, Immigrant Rights & Education Network (SIREN)
Shut Down Etowah
Silver State Equality-Nevada
Sisters of Charity of New York

Sisters of Mercy NH
Sisters of Mercy West Midwest
Sisters of Mercy, Mid-Atlantic Community
Southwest Environmental Center
St. Louis Inter-Faith Committee on Latin America (IFCLA)
TakeRoot Justice
Tennessee Immigrant and Refugee Rights Coalition
Texas Civil Rights Project
Together We're Indivisible Nevada (TWIN)
Trinity Episcopal Church
United Valley Interfaith Project
Upper Valley Refugee Working Group
Virginia Organizing
Washington Defender Association
Wilco Justice Alliance (Williamson County, TX)