# **Summary of PL 116-26 - Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019**

1. **Overview/Purpose: From the Congress.Gov website on 7/21/19**:

“**Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019**

* This bill provides **$4.5 billion in FY2019 emergency supplemental appropriations** to federal departments and agencies for humanitarian assistance and security to respond to migrants attempting to enter the United States at the southern border.
* The funding provided by this bill is designated as emergency spending, which is exempt from discretionary spending limits.
* The bill provides appropriations to the Department of Justice for the Executive Office for Immigration Review and the U.S. Marshals Service.

Within the Department of Homeland Security, the bill provides appropriations for

* U.S. Customs and Border Protection,
* U.S. Immigration and Customs Enforcement, and
* the Federal Emergency Management Agency.
* The bill provides appropriations to the Department of Health and Human Services for the Administration for Children and Families.
* The bill also sets forth requirements and restrictions for using funds provided by this bill

1. **How the allocations break down**:
2. **Department of Justice** -
   1. $**65M for the Executive Office for Immigration Review**: Of that amount,
      1. $45,000,000 to hire 30 additional immigration judge teams and
      2. $10,000,000 to pay for rent for court spaces in which to house those teams to facilitate immigration hearings.
      3. $10,000,000 to pay for services and activities of the Legal Orientation Program.
   2. **$155,000,000 for Federal Prisoner Detention** e.g., to house and transport arrested asylum seekers.
3. **Department of Defense: ($144,849,000 in total)**
   1. $92,800,000 for the **Army** to assist with the surge in “the significant rise in unaccompanied minors and family unit aliens at the SW border.”
   2. $13,025,000 for the **Marine Corps** (purpose = ditto).
   3. $18,000,000 for the **Air Force** (ditto)
   4. $21,024,000 for the **National Guard** (ditto)
4. **Department of Homeland Security**
   1. **US Customs & Border Security**:
      1. (**Operations & Support**) $1,015,431,000
         1. $708,000,000 for establishing & operating migrant care and processing facilities,
         2. $111,950,000 for consumables and medical care,
         3. $35,000,000 for transportation,
         4. $110,481,000 for temporary duty and overtime costs including reimbursements, and
         5. $50,000,000 for mission support data systems and analysis
      2. (**Procurement, construction, and improvements**)
         1. $85,000,000 for Migrant care and processing facilities
      3. (**US Immigrations and Customs Enforcement**) $208,945,000, of which
         1. $35,943,000 for transportation of unaccompanied alien children,
         2. $11,981,000 for detainee transportation for medical needs, court proceedings, or relocation from U.S. Customs and Border Protection custody,
         3. $20,000,000 for alternatives to detention,
         4. $45,000,000 for detainee medical care,
         5. $69,735,000 for temporary duty, overtime, and other on-board personnel costs including reimbursements,
         6. $5,000,000 for the Office of Professional Responsibility for background investigations and facility inspections, and
         7. $21,286,000 for Homeland Security Investigations human trafficking investigations
   2. **Federal Emergency Management Agency (FEMA)**
      1. $30,000,000, for the emergency food and shelter program for the purposes of providing assistance to aliens released from the custody of the Department of Homeland Security.
         1. *Provided*, That, funds made available under this section shall be disbursed by the Emergency Food and Shelter Program National Board not later than 30 days after the date on which such funds become available: *Provided further*, That the Emergency Food and Shelter Program National Board shall distribute such funds only to jurisdictions or local recipient organizations serving communities that have experienced a significant influx of such aliens: *Provided further*, That such funds may be used to reimburse such jurisdictions or local recipient organizations for costs incurred in providing services to such aliens on or after January 1, 2019.

**D. DEPARTMENT OF HEALTH AND HUMAN SERVICES - Administration for Children and Families**

1. Refugee and Entrant Assistance: ”$2,881,552,000, to be merged with and available for the same period as funds appropriated in [Public Law 115–245](https://www.gpo.gov/fdsys/pkg/PLAW-115publ245/pdf/PLAW-115publ245.pdf)“for carrying out such sections 414, 501, 462, and 235”,
   1. which shall be available for any purpose funded under such heading in such law: That amounts allocated by the Secretary for costs of leases of property that include facilities to be used as hard-sided dormitories for which the Secretary intends to seek State licensure for the care of unaccompanied alien children, and that are executed under authorities transferred to the Director of the Office of Refugee Resettlement. (*Sidebar: difference in the total allocation and #s below is: $2,015,552,000*)
2. $866,000,000 of amounts provided under this heading shall be used for the provision of care in licensed shelters and for expanding the supply of shelters for which State licensure will be sought, (*Sidebar: difference in the total allocation and the #s below is: $540,000,000*.)
   1. of which $27,000,000 shall be available for the purposes of adding shelter beds in State-licensed facilities in response to funding opportunity HHS–2017–ACF–ORR–ZU–1132,
   2. $185,000,000 shall be available for expansion grants to add beds in State-licensed facilities and open new State-licensed facilities, and for contract costs to acquire, activate, and operate facilities that will include small- and medium-scale hard-sided facilities for which the Secretary intends to seek State licensure in an effort to phase out the need for shelter beds in unlicensed facilities: *Provided further*,
   3. $100,000,000 of amounts provided under this heading shall be used for post-release services, child advocates, and legal services: *Provided further*,
   4. $8,000,000 of amounts provided under this heading shall be used for the purposes of hiring additional Federal Field Specialists and for increasing case management and case coordination services, with the goal of more expeditiously placing unaccompanied alien children with sponsors and reducing the length of stay in ORR custody:
   5. $1,000,000 of amounts provided under this heading shall be used for the purposes of hiring project officers and program monitor staff dedicated to pursuing strategic improvements to the Unaccompanied Alien Children program and for the development of a discharge rate improvement plan which shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of enactment of this Act:
   6. $5,000,000 shall be transferred to “Office of the Secretary—Office of Inspector General” and shall remain available until expended for oversight of activities supported with funds appropriated under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.
3. **General Provisions of the Act**

There are numerous general provisions to the act that deal with issues such as: reporting, accounting, delegated authorities, etc. the reader is encouraged to pursue those details. However, there are general provisions that appear (to the author) to be interesting. These relate to the following:

* Section 404 states that ‘none of the funds of this act may be obligated to a contractor to house unaccompanied alien children in any facility that is not state licensed except on a temporary basis.
* For unlicensed facilities operating more than six months – there are additional restrictions including set staffing ratios, and a limited number of 60-day waivers (four) that can be granted to the facility before it must be state licensed.
* Section 405 outlines reporting requirements for the DHHS secretary regarding the opening of new facilities
* Section 406 places restrictions on the types of unaccompanied minors who can be housed at an unlicensed facility.
* Section 407 indicates that any member of the Senate or House of Representatives may visit a facility given two business days’ notice.
* Section 408 requires the Sec DHHS to provide a publicly available monthly report regarding the separation of children housed by Homeland Security (regardless of the cause of separation) focusing on the number of children separated, the port of entry and the reason for the separation.
* Section 409 Requires Sec DHHS submit a detailed spending plan to the House & Senate within 30 days of passing this bill. One interesting element of the report is the anticipated amount of money that may potentially flow to local organizations and municipalities for providing services (e.g. foster care or group homes) to unaccompanied children.
* Sections 501 – 506 speak to the emergency nature of the anticipated expenditures, a report outlining progress toward hiring additional immigration judges and their teams, and a discussion of the concept of ‘credible fear’ which is key to asylum cases and how/when asylum seekers will be interviewed with regard to their credible fear concerns.