

House of Representatives – DHS Appropriations Summary

In June, the House Appropriations Committee considered and reported out their fiscal year 2024 appropriations bill that would fund the Department of Homeland Security (DHS) beginning October 1, 2023. The bill includes over \$91.5 billion in funding for the department, which is \$2 billion above the fiscal year 2023 level.

While the bill focuses heavily on border security and enforcement, which is detailed below, it also includes provisions that are detrimental to American workers. Specifically, the appropriations bill includes two legislative provisions related to temporary foreign workers.

First, it amends the Immigration and Nationality Act to exempt “returning workers” in the H-2B program for FY24. The H-2B visa allows foreign workers to come temporarily to work in non-agricultural industry or seasonal work. Such “returning workers” would be exempt from the annual numerical cap of 66,000, thus increasing the number of foreign workers who enter the United States under the program.

Second, it allows for a change in the H-2A program, which was created to allow foreign nationals to work in certain agricultural or seasonal jobs on a temporary basis. The visa program does not have a numerical cap. The appropriations bill turns the program on its head in FY24 to allow workers to enter to work “without regard to whether such labor is, or services are, of a temporary or seasonal nature.” Thus, the H-2A visa could essentially be used by any employer, providing foreign nationals with an open-market work permit, and flooding the U.S. economy with those workers.

Aside from these provisions, the Committee detailed its priorities, notably resources for border security, including technology and pay to support the Border Patrol. The bill includes significant increases for Immigration and Customs Enforcement (ICE), enhancing its ability to detain and remove illegal aliens, and prohibiting the agency from enforcing Secretary Mayorkas’ prosecutorial discretion directives to limit enforcement actions.

More specifically, the bill does the following:

- Provides over \$2 billion for construction of a physical wall along the southern border;
- Increases funding to support a record high of 22,000 Border Patrol agents;
- Restores funding for border security technology, including for towers, aerostats, counter drones and new innovative technology;
- Funds ICE’s ability to detain up to 41,000 aliens on a given day (up from 25,000) and provides over \$3.5 billion for custody operations;
- Prohibits funding to be used for ICE detainees for gender-affirming care and the facilitation of abortions;
- Restores pay cuts to Customs and Border Protection (CBP), and provides \$44 million for workforce care and suicide prevention programs;
- Prohibits funding for the CBP One mobile application that is facilitating the entry of illegal aliens at the border today;

- Instructs ICE to continue to utilize the 287(g) program to allow state and local law enforcement to help in enforcing our immigration laws;
- Prohibits funding to be used for “Alternatives to Detention” (ATD) programs unless the Secretary certifies to Congress that there is insufficient detention capacity;
- Prohibits the Administration from implementing a Biden rule to allow asylum officers to make final asylum determinations; and
- Eliminates the Office of the Immigration Detention Ombudsman.

The Committee noted that it has rejected several items from previous bills and the President’s budget proposal, including a Joint Processing Center for migrants and funds to bail out U.S. Citizenship and Immigration Services (USCIS) and reduce application backlogs. The Committee also rejected funding for non-governmental organizations (NGOs) to carry out programs that do not electronically monitor illegal aliens in the country but rather provide aliens with social services and referrals for benefits and legal services.

The appropriations bill includes a provision that would require DHS to deny or terminate an alien’s work authorization if his or her application for asylum has been denied, or if the alien has been convicted of a crime while the asylum application is pending.

Regrettably, while the appropriations bill includes funding to address our dire border crisis, the Committee’s bill falls short in protecting American workers and preventing foreign nationals from obtaining work authorizations, especially at a time when our country’s workforce is competing against a mass influx of foreign workers who entered the country illegally.