



Vote NO on the Consolidated Appropriations Act, 2019

The Defund Hate Coalition urges a **NO vote** on the 2019 Consolidated Appropriations Act that increases funding to Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) and includes no oversight mechanisms to prevent these agencies from siphoning money from other accounts to further expand immigrant detention and pay for Trump's racist vanity wall.

Once the White House-generated partial government shutdown ended, the [Defund Hate coalition](#) and over [150 national, state, and local organizations](#) sent letters to the DHS conferees asking that the final FY2019 DHS Appropriations bill accomplish the following:

1. Reduce the enforcement and detention budgets for both Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), including rejecting any funds for border barrier construction.
2. Explicitly limit DHS's authority to transfer or reprogram money toward building more wall or other border barriers, immigration detention, or other enforcement programs, and must impose vital safeguards and reporting obligations in order to hold DHS accountable.
3. Include a commitment that the President neither declare a national emergency nor unilaterally seize funds from other government accounts in order to construct a wall or any other physical barrier.

Not a single one of these parameters are met within the final FY2019 DHS Appropriations bill. Specifically the bill:

- Increases immigrant detention by 12%. The annual Average Daily Population for FY2018 (ICE is currently operating on a continuing resolution from the FY2018 bill) was 40,500 and the widely reported annual ADP for FY2019 is 45,274. That is roughly 5,000 additional individuals detained per day, an escalation that will have devastating effects on individuals and families who are directly impacted by the violent detention system, and the communities who now live at heightened risk because of its expansion. ICE detention facilities are plagued with abuse, neglect, and deadly conditions. DHS's own Inspector General recently found that ICE does not fully hold its detention contractors accountable for failing to meet standards.
 - While we note that the 45,274 number does not appear in the bill text or report language, we are including it here because we still believe it to be the ADP upon which

the funding levels are based. Furthermore, we are alarmed that it was *not* included as its omission will make it even harder to hold ICE accountable to not exceeding the negotiated annual ADP.

- Fails to restrict ICE and CBP's transfer and reprogramming authority. [For the past three years](#), ICE has overspent its appropriation, rapidly expanded its detention capacity, and then moved money around from other accounts within DHS to cover up for its overspending. This strategy is part of how the agency detained 49,057 individuals on February 6, despite only receiving funding for 40,500. President Trump has already openly stated he will reprogram funds from other government accounts to pay for his border wall without Congressional approval, and this bill does nothing to prevent President Trump from this kind of overreach.
- Provides \$1.375 billion for additional border wall construction. Roughly 700 miles of border wall, which is [indistinguishable in impact](#) from "fencing" or "physical barriers," are already in the border region. They have proven to be [extremely harmful](#) to border communities, migrants seeking asylum, First Nations, the environment, and endangered and protected species. The previous Congress already provided this White House with \$1.7 billion for border wall construction. Private and public lands, wildlife corridors and safe, thriving border communities are [threatened by current and future wall construction](#).
- Expands CBP short term custody without a commitment to discontinue use of particularly harmful cages and holding facilities.
- Increases funding for Homeland Security Investigation (HSI) ICE agents who routinely engage in highly militarized raids in homes and the workplace that violate due process rights, target individuals based on unsubstantiated allegations, and abuse their authority to engage in indiscriminate arrests driven by racial profiling. Although the new HSI agents are intended to focus on opioid/fentanyl investigations, the documented pattern of HSI agents using all types of investigations to pull more people into the detention and deportation pipeline, including through collateral arrests, leads us to oppose all increases in funding for this component of ICE as well.
- Funds border security technology despite the fact that DHS has a track record of failing to adopt appropriate safeguards to protect privacy, investing in technology that does not work, and conducting surveillance on behalf of other agencies raising privacy and civil liberties concerns. This includes \$200 million to the Office of Biometric Management, likely to be used to support immigration enforcement.

Based on the totality of the DHS provisions, we urge Members of Congress to vote **NO** on the 2019 Consolidated Appropriations Act. We look forward to working together to secure an FY20 DHS bill that decreases the taxpayer dollars going to ICE and CBP and provides much needed oversight and accountability for these agencies.