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Senate Approves \$4.6 Billion Bill for Border With Fewer Restrictions

By Emily Cochrane and Julie Hirschfeld Davis

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WASHINGTON — The Senate on Wednesday approved \$4.6 billion in emergency humanitarian aid for the southwestern border, rejecting House legislation approved on Tuesday that sought to rein in President Trump’s immigration crackdown by setting much stronger conditions for how the money could be spent.

The action set up a stalemate over the border spending, even as tragic images of the migrant crisis and reports of children and families in squalid and overcrowded detention centers fueled an urgent push to reach an agreement.

Speaker Nancy Pelosi of California rejected the Senate’s bill even before the vote was taken, setting up a clash over immigration policy just days before Congress leaves Washington for a weeklong July 4 recess. Ms. Pelosi on Wednesday afternoon called Mr. Trump, who has threatened to veto the House bill, to discuss how to reconcile the dueling measures.

“They pass their bill; we respect that,” she said. “We passed our bill; we hope they would respect that. And there are some improvements that we think can be reconciled.”

In a 15-minute telephone call, Mr. Trump appeared to indicate to the speaker that he was willing to consider some changes to the Senate measure, according to a senior Democratic aide who described the conversation on the condition of anonymity.

Ms. Pelosi has found herself in a difficult spot: Many liberal lawmakers in her ranks agreed to support the House measure on Tuesday only because she added strict new conditions on the money. If those provisions are dropped in a compromise with the Senate and the White House, the resulting measure could pass with Republican votes, but it would badly divide her caucus, where many lawmakers fear the humanitarian aid package only enables Mr. Trump’s harsh immigration agenda.

After huddling with lawmakers in her office, Ms. Pelosi said late Wednesday that House Democrats would move on Thursday to modify the Senate bill by adding some provisions that members on her liberal flank had insisted upon earlier this week as a condition of supporting the aid.

The revisions include language setting stricter health and safety standards for facilities, a requirement that migrant children be released from temporary shelters after three months, a provision allowing lawmakers to visit facilities without notice and an assurance that the funding cannot be reprogrammed elsewhere.



Tents outside the border station in Clint, Tex. Reports of children and families in squalid and overcrowded detention centers fueled an urgent push for Congress to reach an agreement. Ivan Pierre Aguirre for The New York Times

The overwhelming margin of the Senate vote, 84 to 8, underscored the contention by Senate Republicans that only their bill stood a chance of winning the president’s signature. Six Democrats and two Republicans voted against it.

“The House has not made much progress toward actually making a law, just more resistance theater,” Senator Mitch McConnell of Kentucky, the majority leader, said on the Senate floor Wednesday morning. “The Senate has a better and more bipartisan way forward.”

“It’s a productive compromise that would go a long way to begin to address the border crisis,” Mr. McConnell added. “No poison pills, just a clean bill.”

Mr. Trump voiced his displeasure with the House bill on Wednesday morning, saying on Fox Business Network that he was “not happy with it because there is no money for protection.”

To make their point, Republican Senate leaders put the House’s \$4.5 billion bill to a test vote; it failed, 37 to 55, with three Democrats voting against the measure. Seven Democrats, all presidential candidates, were not present ahead of the first Democratic debate in Miami on Wednesday night.

But Senator Chuck Schumer of New York, the Democratic leader, suggested a few changes to the Senate bill could win support among House Democratic leaders in time for quick final passage.

The Senate legislation would allocate about \$1.3 billion to improve facilities at the border and \$2.9 billion for the care of migrant children. The measure prohibits the Department of Homeland Security from adding more beds at detention centers or migrant processing facilities, ostensibly to

slow the immigration crackdown. The Senate would require the department to allow congressional visits to facilities housing unaccompanied children with two days' notice; the House bill would permit them with no notice at all.

House Democrats say the Senate measure does too little to ensure that conditions improve at detention facilities or at centers caring for children that are run by government contractors. The House bill includes language that would require Customs and Border Protection to establish plans and protocols to deliver medical care, improve nutrition and hygiene, and train personnel to ensure the health and safety of children and adults in custody.

It would mandate that the secretary of health and human services disclose which requirements were being temporarily waived to deal with a sudden influx of migrants. And the bill would limit the detention-center stay of any unaccompanied child to 90 days unless written notification was submitted to Congress attesting that no other facilities were available.

“No poison pills, just a clean bill,” Senator Mitch McConnell of Kentucky, the majority leader, said of the Senate bill. Tom Brenner for The New York Times

Democrats also attached requirements for translators at Customs and Border Protection, Immigration and Customs Enforcement, and United States Citizenship and Immigration Services.

[Here are the differences between the House and Senate bills.]

Administration officials have warned Congress that they will run out of funds to house and care for migrants at the end of the month. Accounts of horrific conditions facing unaccompanied migrant children, as well as a wrenching photo of a drowned father and daughter on the banks of the Rio

Grande after trying to seek asylum, have fueled a sense of urgency surrounding passage of the emergency aid. But they have also stiffened the resolve of Democrats pushing for tougher oversight on the administration and its facilities.

“The problem we’re having is that we keep giving money to an administration that doesn’t use it for the purposes we gave it to, or they steal money from other things and say that they’re going to use it for their priority,” said Representative Pramila Jayapal, Democrat of Washington and the co-chairwoman of the Progressive Caucus, who pressed for stricter standards before agreeing to support the House bill.

“It was very clear that some of the things we got shouldn’t be revolutionary,” Ms. Jayapal added. “Should we have to say to an administration that you’ve got to get food and water to a child, or a medical exam, within 48 hours? That’s what they’re objecting to? I mean, let’s just point out the absurdity of that.”

Republican senators remain adamant that the emergency aid, widely seen as a temporary response to a more complex immigration crisis, needs to be stripped of policy provisions.

“Our goal is to get a good bill, keep it clean as we can and try to have the president on board,” said Senator Richard C. Shelby of Alabama, the top Republican on the Senate Appropriations Committee. “If it’s loaded up with a bunch of House amendments, he will not sign it.”

Mr. Shelby said that Vice President Mike Pence had been designated as a point person for the White House in the final negotiations.

Even as they promoted their bill, Ms. Pelosi and Representative Steny H. Hoyer of Maryland, the majority leader, acknowledged publicly and privately that the Senate bill was not necessarily a nonstarter in their chamber.

“The Senate has a good bill,” Ms. Pelosi told her caucus during a closed-door meeting on Wednesday, according to a senior Democratic aide who was not authorized to discuss the private meeting. “Our bill is much better.”

Mr. Schumer noted in floor remarks that while the House version “is a much better bill than the Senate version,” the broad bipartisan support in a Senate committee vote last week indicates that “there is room for compromise to get something done here.”

Nicholas Fandos contributed reporting.

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