

Selected Immigration- and Refugee-Related Excerpts from Explanatory Language in H. Rept. 111-366, Conference Report Accompanying H.R. 3288, Consolidated Appropriations Act, 2010

Last Updated: Wednesday, December 9, 2009

Migration and Refugee Assistance Excerpts

(Division F, State, Foreign Operations, and Related Programs Portion of the Measure)

“ECONOMIC SUPPORT FUND

“Western Hemisphere

“Colombia.-The conferees are concerned with the dire condition of large numbers of Colombian refugees in neighboring countries, as well as Colombians who have been internally displaced as a result of armed conflict. Within sums provided for assistance for Colombia under this heading, \$45,000,000 shall be made available to support internally displaced persons. Additionally, not less than \$8,000,000 is transferred to the Migration and Refugee Assistance (MRA) heading for emergency assistance through nongovernmental and international organizations for Colombian refugees in neighboring countries.

“The conference agreement provides that up to \$15,000,000 of the funds made available for Colombia under this heading be used for programs which specifically benefit Afro-Colombian and indigenous communities. In addition, the conference agreement provides not less than \$3,000,000 for programs to protect Colombia's biodiversity through the Colombian National Parks Service and indigenous communities living in buffer zones. The USAID Administrator shall consult with the Committees on Appropriations prior to the obligation of these funds.”

“MIGRATION AND REFUGEE ASSISTANCE

“The conference agreement provides \$1,685,000,000 for Migration and Refugee Assistance, which is \$204,556,000 above the House and \$7,200,000 above the Senate.

“The conference agreement does not include language concerning refugees resettling in Israel, as proposed by the Senate. However, the conferees note that according to the Department of State, no funds in this Act are used to assist refugees who reside in any Israeli settlement or outpost in the West Bank.

“The conference agreement includes a new provision directing that \$35,000,000 of the funds made available under this heading be reserved for responding to small-scale emergency humanitarian requirements of international and nongovernmental partners. The conferees agree that this reserve may be used to cover the breadth of migration and refugee activities and that any use of such funds is subject to the regular notification procedures of the Committees on Appropriations.

“The conferees endorse the reporting requirement in the Senate Report regarding North Korean refugees.

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“The conferees recognize the work of the United Nations Relief and Works Agency (UNRWA) in assisting Palestinians and promoting tolerance in the West Bank and Gaza, including through education, sports, and other programs for Palestinian youth. The conference agreement includes language in section 7042(£)(3) applying the reporting requirements contained under this heading in the joint explanatory statement accompanying the Supplemental Appropriations Act, 2009 (Public Law 111-32) regarding UNRWA to funds made available under this heading for fiscal year 2010. The House bill included a similar requirement in section 7086.

“The conferees support the continuation of assistance to Tibetan refugees in India and Nepal. The conferees endorse language in the House Report regarding efforts to ensure the safe transit of Tibetan refugees and to protect the rights of Tibetans residing in Nepal. The Senate Report included similar language.”

“UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

“The conference agreement provides \$45,000,000 for the United States Emergency Refugee and Migration Assistance Fund, which is \$30,000,000 below the House and Senate.

“The conference agreement does not include a provision overriding the funding ceiling contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, as proposed by the Senate.”

Refugee and Entrant Assistance Excerpts

(Division D, Labor, HHS, Education, and Related Agencies Portion of the Measure)

“REFUGEE AND ENTRANT ASSISTANCE

“The conference agreement includes \$730,928,000 for Refugee and Entrant Assistance programs instead of \$714,968,000 as proposed by the House and \$730,657,000 as proposed by the Senate.

“Within the amount provided for Social Services, the conferees provide \$19,000,000 for continued support to communities with large concentrations of Cuban and Haitian entrants as proposed by the House. The Senate did not specify an amount for this activity.

“Within the amount provided for the Unaccompanied Alien Children program, the conferees provide \$5,600,000 to continue and expand the pro bono legal representation pilot program instead of \$6,000,000 as proposed by the House. The Senate did not specify an amount for this activity.”

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Department of Justice Excerpts

(Division B, Commerce, Justice, Science, and Related Agencies Portion of the Measure)

“ADMINISTRATIVE REVIEW AND APPEALS

“The conference agreement provides \$296,685,000 for Administrative Review and Appeals.

“Personnel and infrastructure increases.--The conference agreement includes \$24,253,000 for personnel and infrastructure investments needed to efficiently process an increasing immigration adjudication caseload. Of this total, \$10,250,000 is for the eWorld document management system to improve the Executive Office of Immigration Review's (EOIR) ability to store, distribute and archive its files.

“Legal Orientation Program (LOP).--The conference agreement includes \$6,000,000 for the continued implementation and expansion of the LOP. EOIR is encouraged to seek alien-specific detention costs and duration of detention data from Immigration and Customs Enforcement in order to develop a more accurate estimate of the cost savings to the Federal government provided by participation in the LOP.

“Within the LOP total, \$2,000,000 is provided for programs aimed at the custodians of unaccompanied alien children in order to address the custodian's responsibility for the child's appearance at all immigration proceedings and to protect the child from mistreatment, exploitation and trafficking.

“Competency standards.--The explanatory statement accompanying P.L. 111-8 urged EOIR to work with experts and interested parties in developing standards and materials for judges to use in conducting competency evaluations of persons appearing in immigration court. EOIR is directed to report to the House and Senate Committees on Appropriations within 120 days of the enactment of this Act on the status of its efforts to develop this competency bench book. The report should also address the steps DOL has taken to provide safeguards for the rights of aliens judged to be mentally incompetent, as required by 8 U.S.C. 1229a(b)(3).

“Fraud program.--EOIR is urged to set written standards and criteria for use in judging potentially fraudulent evidence and testimony provided to an immigration court.”

“UNITED STATES MARSHALS SERVICE
“SALARIES AND EXPENSES

“Immigration enforcement.--The conference agreement includes significant new resources to address the enormous workload generated by increased enforcement activity in other agencies and bureaus. The conferees hope that this investment will at least partially alleviate the pressure on other Marshals programs, such as fugitive apprehension, now that more dedicated personnel will be available to handle the immigration-related caseload.”

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**“FEDERAL PRISON SYSTEM
“SALARIES AND EXPENSES**

“Reimbursement for U.S. Immigration and Customs Enforcement detainees.—The conferees direct the Attorney General to work cooperatively with the Secretary of the Department of Homeland Security to transfer expeditiously ICE detainees who are currently housed in the Federal Prison System, or to obtain prompt and fair reimbursement from U.S. Immigration and Customs Enforcement for the costs of incarcerating them.”

“Incarceration of low security criminal alien offenders.—The conferees direct BOP to submit a report, within 120 days of enactment of this Act, on its long term strategy for minimizing the cost of incarcerating low security criminal alien offenders, including an assessment of the potential for closed military facilities, closed state prisons, or other existing facilities to be converted to low security prisons operated by BOP.”

“STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

“The conference agreement provides \$1,534,768,000 for State and Local Law Enforcement Assistance programs for fiscal year 2010. This account includes funding for several programs administered by the Office of Justice Programs that were funded for fiscal year 2009 through the Office on Violence Against Women or the Office of Community Oriented Policing Services. The total amount is distributed as follows:

“Program:

“State Criminal Alien Assistance Program 330,000,000
Southwest Border Prosecutions 31,000,000”.