



United States Conference of Catholic Bishops Government Relations

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Weekly Update on Immigration and Refugee Legislative Matters 111th Congress, First Session

Monday, May 18, 2009

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This Week's Hearings

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At the time of this writing, four panels had scheduled hearings for this week at which significant immigration- or refugee-related matters could be discussed. Three of the hearings are taking place in the Senate and one in the House:

- **Border Enforcement.** A Senate Judiciary Committee panel has scheduled a hearing on border enforcement;
- **Fiscal Year 2010 International Affairs Budget.** Two panels have scheduled hearings on the Administration's fiscal year 2009 budget request for international affairs—
 1. The Senate Committee on Foreign Relations has scheduled a hearing, at which Secretary of State Hillary Rodham Clinton is expected to testify.
 2. The Senate Appropriations Subcommittee on State, Foreign Operations, and Related Agencies has scheduled a hearing at which Secretary of State Clinton is expected to testify; and

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This Week's Hearings (continued)

- Oversight of the Federal Bureau of Investigation. The House Committee on the Judiciary has scheduled an oversight hearing on the operations of the Federal Bureau of Investigation (FBI), at which FBI Director Robert S. Mueller, III is expected to testify.

House

House Judiciary Committee to Hold Oversight Hearing on the FBI: The House Committee on the Judiciary has scheduled an oversight hearing for this week on the operations of the Federal Bureau of Investigation (FBI). This week's hearing is scheduled for 10:00 am on Wednesday, May 20, 2009, in Room 2141 of the Rayburn House Office Building.

Anticipated Witnesses. At the time of this writing, it was anticipated that the sole witness for this week's hearing will be FBI Director Robert S. Mueller, III. ☀

Senate

Senate Appropriations Panel to Hold Hearing on Administration's FY '10 Budget Request for International Affairs: The Senate Appropriations Subcommittee on State, Foreign Operations, and Related Agencies has scheduled a hearing for this week on the Administration's fiscal year 2010 budget request for international affairs. This week's hearing is scheduled for 9:30 am on Wednesday, May 20, 2009, in Room SD-192 of the Dirksen Senate Office Building.

Anticipated Witnesses. At the time of this writing, it is anticipated that the sole witness for this week's hearing will be Secretary of State Hillary Rodham Clinton. ☀

Senate Judiciary Panel to Hold Hearing on Border Enforcement: The Senate Judiciary Subcommittee on Immigration, Refugees and Border Security has scheduled a hearing for this week titled "Securing the Borders and America's Points of Entry: What Remains to Be Done." This week's hearing is scheduled for 10:00 am on Wednesday, May 20, 2009, in Room SD-226 of the Dirksen Senate Office Building.

Anticipated Witnesses. At the time of this writing, the witness list for this week's hearing included the following:

Panel I

- Jayson Ahearn, Acting Commissioner, U.S. Customs and Border Protection;
- Marcy Forman, Director, Office of Investigations, U.S. Immigration and Customs Enforcement; and

- Mark Borkowski, Executive Director, Secure Border Initiative, U.S. Customs and Border Protection.

Panel II

- J.D. Hayworth, Former U.S. Representative, 5th District of Arizona, Phoenix, Arizona;
- Richard Wiles, Sheriff, El Paso, Texas;
- Chad Foster, Mayor, City of Eagle Pass, Texas; and
- Douglas Massey, Professor of sociology and public affairs, Princeton University, Princeton, N.J. ☀

Senate Foreign Relations Committee to Hold Hearing on Administration's FY '10 Budget Request for International Affairs: The Senate Committee on Foreign Relations has scheduled a hearing for this week on the Administration's fiscal year 2010 budget request for international affairs. This week's hearing is scheduled for 1:30 pm on Wednesday, May 20, 2009, in Room SH-216 of the Hart Senate Office Building.

Anticipated Witnesses. At the time of this writing, it is anticipated that the sole witness for this week's hearing will be Secretary of State Hillary Rodham Clinton. ☀ ◇

This Week's Markups

At the time of this writing, only one measure having implications for immigration- or refugee-related matters was scheduled to be marked up this week in the House or Senate:

- Refugee Admissions Reforms. The House Foreign Affairs Committee has scheduled a markup of the State Department Authorization Bill.

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This Week's Markups (continued)

House

House Foreign Affairs Committee to Markup State Authorization Bill Containing Numerous Reforms to the U.S. Refugee Program: The House Committee on Foreign Affairs has scheduled a markup for this week on a measure to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, and to modernize the Foreign Service. Included in the measure are numerous reforms and provisions relating to the U.S. refugee program. This week's markup is scheduled for 10:00 am on Wednesday, May 20, 2009, in Room 2172 of the Rayburn House Office Building.

Bill Introduction. This week's markup will occur in connection with [H.R. 2410](#), the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011. The measure was introduced in the House of Representatives by House Foreign Affairs Committee Chairman Howard L. Berman (D-CA) on Thursday, May 14, 2009.

Summary of Immigration- and Refugee-Related Provisions. As introduced, Sections 104, 233, 234, and 235 of H.R. 2410 contain numerous refugee-related provisions. The following is a summary of those provisions:

- Authorization of Appropriations for MRA. Section 104(a) would authorize \$1.577 BILLION in fiscal year 2010 and such sums as may be necessary in fiscal year 2011 for the Department of State's Migration and Refugee Assistance (MRA) account;
- Refugee Resettlement in Israel. Section 104(b) would authorize \$25 MILLION of the MRA account's fiscal year 2010 funds for resettlement of refugees in Israel. It would authorize such sums as may be necessary for that purpose in fiscal year 2011.
- Reforming Refugee Processing. Section 233 contains a number of provisions to reform refugee processing. More specifically –
 1. Reform of the Worldwide Processing System.
 - A. Worldwide Processing Priority System. Section 233(a)(1) would require the Secretary of State to revise the system for processing refugees for admission to the United States to prioritize particularly vulnerable refugees who are most urgently in need of resettlement.
 - B. Embassy and NGO Referrals. Section 233(a)(2) would require the Secretary of State to establish a training and implementation plan, including training of United States embassy and consular

personnel, for ensuring that all United States embassies and consulates are equipped and enabled to refer aliens in need of resettlement to the United States refugee admissions program. The section also would require the Secretary of State to establish a system to provide ongoing regional support, training, and communication with nongovernmental organizations that provide assistance to displaced and persecuted persons to enable such organizations to refer aliens in need of resettlement to the United States refugee admissions program.

- C. Overseas Refugee Processing. Section 233(a)(3) would require that by no later than October 1, 2011, the Secretary of State must ensure that any agreement, contract, or other arrangement with an organization to process refugee applicants overseas for admission to the United States be granted through a competitive process among nongovernmental organizations with experience in the processing or resettlement of refugees in the United States. The section would permit the Secretary may waive the requirement if she determines that no qualifying organization is available, competent, and authorized to operate in the country at issue or that no such organization is willing or able to do so in a cost-effective manner.
2. Reform of the Refugee Consultation Process.
 - A. Refugee Admissions in the Absence of a Presidential Determination on Refugee Admissions. Section 233(b)(1) would permit the Admission of up to 25 percent of the previous year's refugee ceiling during the first quarter of a subsequent fiscal year if the year begins with no Presidential Determination on refugee admissions in place.
 - B. Timing of Refugee Consultation Meetings. Section 233(b)(2) would require that the in-person discussions between the Secretary of State and the House Committee on the Judiciary on the coming year's refugee admissions program commence no later than June 1.
 3. Family Reunification.
 - A. Multiple Forms of Relief. Section 233(c)(1) would provide that applicants for admission as refugees shall be permitted to simultaneously pursue admission under any other visa categories for which such applicants may be eligible.

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- B. Separated Children. Section 233(c)(2) would provide that children who have been separated from their birth or adoptive parents and are living in a country of asylum under the care of an alien who has been approved for admission to the United States as a refugee shall be deemed an unaccompanied refugee minor (URM), be eligible for admission to the United States as a URM, and be considered for placement in the United States with the alien who had been caring them.
- C. Children of Refugee Spouses. Section 233(c)(3) would provide that the child or an alien who qualifies as the spouse of someone granted refugee or asylum status shall be eligible to accompany or follow to join such spouse.
4. ERMA Account.
- A. Increase in the ERMA Cap. Section 233(d)(1) would double the cap on the amount of funds that may be parked in the Emergency Refugee and Migration Assistance (ERMA) account at any one time, raising the cap from \$100 MILLION to \$200 MILLION.
- B. Authority of the Secretary of State. Section 233(d)(2) would permit the Secretary of State to draw down funds from ERMA. Current law gives that authority to the President of the United States, only.
5. Authorization of Appropriations.
- A. Authorization of Such Sums. Section 233(e)(1) would authorize such sums as may be necessary to carry out Section 233 of the bill and the amendments made by Section 233 of the bill.
- B. Rule of Construction. Section 233(e)(2) is a rule of construction stating that nothing in Section 233 Nothing in this section may be construed to reduce funds or services for other refugee assistance or resettlement.
6. Effective Date. Section 233(f) would provides that the effective date of Section 233 and the amendments made by the Section shall take effect on the first day of the first fiscal year that begins after the date of enactment of the section.
- English Language, Cultural Orientation, and Work Orientation Training for Approved Refugee Applicants. Section 234(a) would require the Secretary of State to establish formal training programs in five overseas processing regions to provide English as a second language, cultural orientation, and work orientation training for refugees who have been approved for admission to the United States before their departure for the United States.
- Under Sections 234(b), 234(c), and 234(d), respectively, the Secretary would be required to ensure that nongovernmental organizations with direct ties to the United States refugee resettlement program are utilized in such training programs; ensure that training programs occur within current processing times and do not unduly delay the departure for the United States of refugees who have been approved for admission to the United States; and implement the programs in at least one region by one year after the date of enactment and in each of the five processing regions by two years after the date of enactment.
- Finally, Section 234(e) would provide that nothing in the Section should be construed to require that a refugee participate in such a training program as a precondition for the admission to the United States of such refugee.
- Iraqi Refugee and Internally Displaced Persons. Section 235 contains a number of provisions relating to Iraqi refugees and Internally Displaced persons.
- More specifically --
1. Protection, Resettlement, and Assistance of Iraqi Refugees and IDPs. Section 235 would require the President to develop and implement policies and strategies to address the protection, resettlement, and assistance needs of Iraqi refugees and internally displaced persons (IDPs), foster long-term solutions for stabilizing the lives of such refugees and IDPs, monitor the development and implementation of assistance strategies to countries in the Middle East that are hosting refugees from Iraq, encourage the Government of Iraq to actively engage the problem of displaced persons and refugees and monitor its resolution of the problem, and ensure that budget requests to Congress are sufficient to meet an appropriate United States contribution to the needs of Iraqi refugees, IDPs within Iraq, and other refugees in Iraq.
 2. Interagency Process. Section 235(b) would require the President to establish an interagency working group consisting, at a minimum, of high ranking officials from the Department of State (DOS), Department of Homeland Security (DHS), U.S. Agency for International Development (USAID) to carry out Section 235.
 3. Increase in Refugee Processing Capacity. Section 235(c) would encourage the Secretary of State to seek substantial increases in fiscal year 2010 the

resources available to support the processing of refugee applicants in Iraq.

4. Humanitarian Assistance. Section 235(d) would encourage the United States to ensure that other countries make contributions to the United Nations High Commissioner on Refugees (UNHCR) and to other international organizations assisting Iraqi refugees and IDPs; the United States continues to make contributions that are sufficient to fund not less than 50 percent of the amount requested by the UNHCR and such other international organizations in each of fiscal years 2010 and 2011; and the Government of Iraq makes significant contributions to UNHCR and to other international organizations assisting Iraqi refugees and IDPs.
5. Statement of Policy Regarding Encouraging Voluntary Returns. Section 235(e) would establish that it is the policy of the United States to encourage Iraqi refugees to return to Iraq only when conditions permit safe, sustainable returns on a voluntary basis with the coordination of the UNHCR and the Government of Iraq.
6. International Cooperation. Section 235(f) would require the Secretary of State to work with the international community, including governments hosting refugees, international organizations, nongovernmental organizations, and donors, to develop a long-term, comprehensive international strategy for assistance and solutions for Iraqi refugees and IDPs.
7. Enhanced Accounting. Section 235(g) would require the Secretary of State, in coordination with the Administrator of USAID, to develop performance measures to fully assess and report progress in achieving United States goals and objectives for Iraqi refugees and IDPs, as well as to track and report funding apportioned, obligated, and expended for Iraqi refugee programs in Jordan, Syria, Lebanon, and the other host countries, to the extent practicable.
8. Report to Congress. Section 235(h) would require the President to report to Congress regularly on the implementation of Section 235.
9. Authorization of Appropriations. Section 235(i) would provide that of the amounts authorized to be appropriated for Migration and Refugee Assistance, sums as may be necessary shall be authorized to be appropriated to carry out Section 235.

Views of the Advocacy Community. The pro-refugee advocacy community has expressed strong support for Sections 104, 233, 234, and 235 of H.R. 2410. However, the

community has indicated the need for a higher authorization level for the MRA account and for the inclusion of additional reforms to the refugee admissions process.

More specifically—

- Authorization Amount. The pro-refugee advocacy community has estimated the need for an authorization level of about \$1.9 BILLION for the MRA account if the United States admits 80,000 refugees in fiscal year 2010. It has estimated that should the Administration admit 125,000 refugees in fiscal year 2010, which is the number it advocates for, the level of appropriations needed for the MRA account would be \$2.05 BILLION.
- Additional Reforms to the Refugee Program. The pro-refugee advocacy community supports including several additional reforms to the refugee admissions and resettlement process.
 1. Reforms to the Reception and Placement Grant Program. The pro-refugee advocacy community supports including a provision in the bill that would make reforms to the Reception and Placement (R&P) grant, a grant program administered by the Bureau of Population, Refugees and Migration of the Department of State's of Population, Refugees, and Migration Bureau (PRM). The program provides grants to resettlement agencies for the reception of refugees arriving in the United States and for their initial resettlement needs. The grant currently is set at \$900 per refugee. It is disbursed upon the refugee's arrival in the United States.

The pro-refugee advocacy community is seeking a provision in the bill that would require the Department of State to increase the R&P grant to at least \$1,800, reform the way it is disbursed, and mandate that it be adjust annually to keep pace with inflation and the cost of living. Such a provision would improve the functionality and effectiveness of the entire U.S. refugee program.
 2. Reforms to Grant Programs Administered by the Department of Health and Human Services. Reforms that the pro-refugee advocacy community wants made to programs administered by the Department of Health and Human Services Office of Refugee Resettlement (ORR) constitute a far heavier lift for the community. That is because while programs administered by PRM are arguably relevant to the House Committee on Foreign Affairs' jurisdiction, programs administered by ORR clearly are not under the Committee's purview.

Among the additional programs that the pro-refugee advocacy community would like to see addressed in H.R. 2410 are the Refugee Matching Grant program,

the utilization of which it would like to see increased. The community also would like Congress to establish several new grant programs, including programs that would implement case management services for refugees, help refugees in their integration into American life, and an emergency fund to help refugees and communities cope with unforeseen refugee resettlement needs and crises.

Views of the Administration. At the time of this writing, the Obama Administration had not formally expressed its views on Sections 104, 233, 234, and 235 of H.R. 2410. The Administration is expected to do so, either formally or informally, prior to Wednesday's markup

Outlook. At the time of this writing, the prospects for the refugee-related provisions in H.R. 2410 were not certain. ☼

Senate

At the time of this writing, there were no measures scheduled for markup in the Senate that contained significant immigration- or refugee-related provisions. ☼ ◇

This Week's Floor Activity

At the time of this writing, only two floor actions on measures containing significant immigration- or refugee-related provisions or having significant consequences for immigration- or refugee-related policy are expected to take place in the full House of Representatives or Senate:

- Fiscal Year 2009 War Supplemental. The full Senate is expected to take up the House version of the fiscal year 2009 war supplemental appropriations bill; and
- Nomination of Luis C. de Baca to be Ambassador-At-Large in Charge of Trafficking. The full Senate could at any time take up the nomination of Luis C. de Baca to Lead the State Department Trafficking Office.

House

At the time of this writing, no floor actions were anticipated this week in the U.S. House of Representatives on measures containing significant immigration- or refugee-related provisions. ☼

Senate

Senate to Take Up FY '09 War Supplemental Appropriations Bill: The Senate this week is expected to take up its version of the fiscal year 2009 supplemental appropriations bill to fund the ongoing war efforts in Iraq and Afghanistan. This week's Senate floor action is expected to occur in connection with [S. 1054](#), the Supplemental Appropriations Act, 2009.⁵²⁴ The Senate is expected to begin

consideration of the measure on or after Tuesday, May 19, 2009, and continue its consideration of the measure throughout the week.

As reported by the Senate Committee on Appropriations, S. 1054 would appropriate \$91.3 BILLION in supplemental fiscal year 2009 funds, including \$345 MILLION in Migration and Refugee Assistance, \$82 MILLION for the Office of Refugee Resettlement for the care and placement of unaccompanied alien children; \$245 MILLION in International Disaster Assistance (IDA), and \$50 MILLION in Economic Support Fund funding for internally displaced persons (IPDs) in Pakistan.

Legislative History. President Barack Obama submitted an \$83.4 BILLION request for supplemental fiscal year 2009 funding for the wars in Iraq and Afghanistan on April 9, 2009.⁵²⁵ He amended his request on April 28, 2009, to request an additional \$1.5 BILLION in connection with the swine flu outbreak⁵²⁶, bringing his total supplemental appropriations request to \$84.9 BILLION. The Senate Committee on Appropriations held a markup session on Thursday, May 14, 2009, ordering the measure reported to the full Senate by a vote of 30-0.

Parliamentary Situation. At the time of this writing, no unanimous consent agreement had been entered into governing Senate consideration of S. 1054.

Summary of Immigration- and Refugee-Related Provisions. As approved by the Senate Committee on Appropriations, the measure contains the following immigration- and refugee-related provisions:

- Overseas Refugee Assistance and Refugee Resettlement. The Senate Appropriations Committee report accompanying the Senate Appropriations Committee-approved version of S. 1054 recommends an appropriation of \$345 MILLION for the Department of State's Migration and Refugee Assistance (MRA) account. The report notes that the amount contained in the bill is \$52 MILLION more than the Administration requested and \$2 MILLION more than is contained in the House-passed version of S. 2346. The Senate committee report directs that the supplemental MRA funds be used "for the assistance and resettlement needs

⁵²⁵ [Click Here](#) to see the April 8, 2009, letter from President Barack Obama to Speaker of the House Nancy Pelosi (D-CA) in which he formally requested that Congress appropriate \$83.4 BILLION in supplemental fiscal year 2009 funds for the wars in Iraq and Afghanistan

⁵²⁶ [Click Here](#) to see the April 28, 2009, letter from President Barack Obama to Speaker of the House Nancy Pelosi (D-CA) in which he increased the Administration's fiscal year 2009 supplemental appropriations request by \$1.5 BILLION in order to deal with an outbreak of swine flu in the United States

⁵²⁴ [S. Rept. 111-20](#), May 14, 2009

of refugees and internally displaced persons [IDPs].” The Committee report, further, directs that “[o]f this amount, the Committee recommends \$25,000,000 for returning refugees and IDPs in Afghanistan, \$25,000,000 for such needs in Africa, \$5,000,000 for refugees from Burma, \$15,000,000 for IDPs in Sri Lanka, and \$5,000,000 for IDPs in Colombia.”

The House-passed measure would appropriate \$343 MILLION for Migration and Refugee Assistance (MRA), to remain available until expended. This would constitute an increase of \$50 MILLION above the Administration’s request of \$293 MILLION for MRA.

The report accompanying H.R. 2346 indicates that the funds provided “are necessary to respond to urgent humanitarian requirements to assist refugees and internally displaced persons in Iraq, Jordan, Syria, the West Bank and Gaza, Lebanon, Afghanistan, Pakistan, Africa, and Burmese refugees Asia.” The report went on to state that funds “also will help respond to urgent food pipeline breaks in refugee feeding operations, particularly in Africa.” Unlike the Senate committee report, the House committee report did not specify that any of the funds be used for refugee resettlement.

The House committee report spent a considerable amount of space expressing concerns about the United Nations Relief and Works Agency (UNRWA) and whether it was “taking all possible steps to prevent its funds from supporting terrorists and other extremists, particularly in the West Bank and Gaza, and is operating in an open and transparent manner.” The bill contains two provisions that seek to ensure that UNRWA makes progress in efforts to prevent that from occurring. The first of these, 21004(a), would limit to \$119 MILLION the amount of funding provided in the bill that can be made available to UNRWA for activities in the West Bank and Gaza. Section 21004(b) would require that the Secretary of State prepare and submit to the Committees on Appropriations an accountability report on UNRWA.

According to materials prepared by the Administration at the time that it submitted its supplemental appropriations request to Congress, the funds it requested “would provide \$293 million for Migration and Refugee Assistance. The request includes: \$108 million for basic social services to Iraqi refugees, internally displaced persons and conflict victims; \$25 million for assistance to Palestinian refugees in Lebanon and \$125 million to support emergency humanitarian needs in Gaza and the West Bank; \$7 million to address humanitarian needs in South Asia, including Afghanistan and Pakistan; \$15 million to address displacement and humanitarian needs related to violence in the Democratic Republic of Congo;

\$10 million to respond to food pipeline breaks in Africa; and \$3 million to assist Burmese refugees.”⁵²⁷

- Funding for the Office of Refugee Resettlement. The Senate Appropriations Committee-approved version of S. 1054 would appropriate \$82 MILLION in Refugee and Entrant Assistance for the Office of Refugee Resettlement. The Committee report accompanying the measure directs that the funds be used “used for the care and custody of unaccompanied alien children. These funds will allow the Office of Refugee Resettlement [ORR] to implement the provisions of Public Law 110–457, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.” The Committee report noted that “[t]he President requested these funds in the Department of Defense along with language providing transfer authority to other Federal agencies.”⁵²⁸

The House-passed version of H.R. 2634 did not contain a comparable provision. However, the House-passed bill would give the Department of Defense to transfer up to \$100 MILLION for that purpose.

- ESF Funds for Refugees and Internally Displaced Persons. The Senate-passed version of S. 1054 would appropriate \$2.828 BILLION for Economic Support Fund (ESF) funding. This would be \$76.5 MILLION below the Administration’s request and \$247 MILLION below the amount contained in the House-passed version of H.R. 2346.

The Senate Appropriations Committee report accompanying the Senate Appropriations Committee-approved version of S. 1054 contains a number of directives relating to the use of ESF funds for refugees and internally displaced persons. Among these are the following:

1. Jordan. The Committee report accompanying S. 1054 recommends \$150 MILLION in Economic Support Fund (ESF) funding for Jordan. The report directs that the funds be used “to help mitigate the impact of the global economic crisis, including for health, education, water and sanitation, and other assistance for Iraqi and other refugees in Jordan, and are in addition to funds otherwise made available for assistance for Jordan in other acts.”⁵²⁹
2. Columbia. S. 1054 requires that \$3.5 MILLION of ESF funds that are intended for Columbia be

⁵²⁷ Page 81 of the Supplemental appropriations request

⁵²⁸ [S. Rept. 111-20](#), Page 69

⁵²⁹ [S. Rept. 111-20](#), Page 87

transferred to the Department of State's Migration and Refugee Assistance (MRA) account and may be made available "only for assistance to nongovernmental organizations that provide emergency relief aid to Colombian refugees in neighboring countries."⁵³⁰

There was no comparable language in the House committee report.

3. Pakistan. The Committee report accompanying S. 1054 provides \$50 MILLION "for humanitarian assistance for internally displaced persons whose numbers have increased sharply in recent months due to the Taliban's advances."⁵³¹

The report accompanying the House-passed version of H.R. 2346 would set aside "\$8 MILLION for humanitarian assistance for internally displaced populations (IDPs) escaping violence particularly in the Federally Administered Tribal Areas and the North-West Frontier Province of Pakistan."⁵³²

The committee report accompanying the House-passed version of H.R. 2346 contains language that is not included in the Senate committee report directing the Administration to use ESF funds for other refugee or IDP populations. These House mandates that are not found in the Senate bill include directives to spend \$3 MILLION for Burmese refugees, migrants in Thailand, and internally displaced persons; use ESF funds to assist Iraqi Christians, religious minorities in Iraq, and other displaced and refugee populations in Iraq; use ESF funds to assist and refugees on the West Bank and Gaza; and provide funds for IDPs in Georgia.

- International Disaster Assistance. S. 1054 would appropriate \$245 MILLION for International Disaster Assistance (IDA), which is \$45 MILLION more than was requested by the Administration and contained in the House-passed version of H.R. 2346. The Committee report accompanying S. 1054 directs that the funds are to be used "to meet basic needs of internally displaced persons in Africa, the Middle East, and South and Central Asia, and to respond to other humanitarian crises."⁵³³

The House-passed measure would appropriate \$200 MILLION for International Disaster Assistance (IDA),

which is the same amount requested by the Administration.

The committee report accompanying H.R. 2346 indicates that the funds "are needed to respond to increased insecurity, armed conflict, and weather complications in Africa, including Somalia, Ethiopia, the Democratic Republic of the Congo, and Zimbabwe." The report went on to state that funds "also will help address growing needs in the Middle East, and Central and South Asia, particularly Pakistan, Tajikistan, and Kyrgyzstan."

According to materials prepared by the Administration at the time that it submitted its supplemental appropriations request to Congress, a portion of the funds it requested for IDA would be used to "help to address increases in internally displaced persons in Pakistan."⁵³⁴

Outlook. The Senate is expected to pass S. 1054 this week. At the time of this writing, no immigration- or refugee-related floor amendments to the measure had yet emerged. ☀

Full Senate Could Vote This Week on the de Baca

Trafficking Nomination: While no floor action on the nomination had been officially scheduled at the time of this writing, the full Senate could at any time take up the nomination of Luis C. de Baca to be Ambassador-at-Large to Monitor and Combat Trafficking in Persons at the State Department. The Senate Committee on Foreign Relations approved the de Baca nomination on Tuesday, May 5, 2009, by a voice vote. The Senate Foreign Relations Subcommittee on African Affairs held a hearing on the de Baca nomination on Wednesday, April 29, 2009.⁵³⁵

Outlook. At the time of this writing, there does not appear to be any opposition in the Senate to the de Baca Ambassador-at-Large nomination. ☀ ◊

⁵³⁴ *Page 91 of the Supplemental appropriations request*

⁵³⁵ *See Pages 476-477 of this week's edition of the Weekly Legislative Update to see a write up on the Senate Committee on Foreign Relations Committee markup during which it approved the nomination of Luis C. de Baca to be Ambassador-at-Large to Monitor and Combat Trafficking. See Pages 420-424 of May 4, 2009, edition of the Weekly Legislative Update for detail on the Senate Foreign Relations Committee hearing on the de Baca nomination. See pages 394-395 of the April 27, 2009, edition of the Weekly Legislative Update for a detailed analysis of Mr. de Baca's record on trafficking. [Click Here](#) to see the White House press release announcing the President's nomination of Luis de Baca to be Ambassador-at-Large to Monitor and Combat Trafficking in Persons.*

⁵³⁰ [S. Rept. 111-20](#), Page 126

⁵³¹ [S. Rept. 111-20](#), Page 87

⁵³² *Page 84 of the Supplemental appropriations request*

⁵³³ [S. Rept. 111-20](#), Page 82

This Week's Conference Activity

At the time of this writing, only one measure containing significant immigration- or refugee-related provisions is a candidate for consideration in a conference committee:

- Fiscal Year 2009 War Supplemental. A House-Senate conference committee could be convened this week to settle differences between the House-passed version of the fiscal year 2009 war supplemental appropriations bill and the version that the Senate is expected to pass this week.

Conference Committee Action Doubtful this Week on War Supplemental Appropriations Bill:

President Barack Obama has challenged Congress to clear a fiscal year 2009 war supplemental for his signature before it leaves Washington this week for its Memorial Day recess. However, as the week begins, it appeared increasingly doubtful whether Congress would be able to meet the President's timetable.

The House of Representatives passed [H.R. 2346](#), its version of the Supplemental Appropriations Act, 2009,⁵³⁶ on Thursday, May 14, 2009, by a vote of 368-60.⁵³⁷

The Senate is expected to pass its [S. 1054](#),⁵³⁸ its version of the supplemental appropriations bill, sometime this week.

Both the House-passed and the Senate Appropriations-approved versions of the fiscal year 2009 war supplemental appropriations bill contain provisions appropriating supplemental fiscal year 2009 funds for the Department of State's Migration and Refugee Assistance (MRA) account, as well as for Internally Displaced Persons (IDPs) in the Middle East, South Asia, and elsewhere.

Outlook. At the time of this writing, the timing of conference committee deliberations was not yet known. However, the likelihood of Congress settling the differences by the Memorial Day recess appeared doubtful because the Senate is not scheduled to take up its version of the measure until Tuesday of this week, or later. ◇

This Week's Executive Activity

Administration to Hold Meeting on Trafficking and Employment-Based Visa Applicants: The Department of State has scheduled a meeting for this week to

⁵³⁶ [H. Rept. 111-105](#), May 12, 2009

⁵³⁷ [House Roll Call No. 265](#), May 14, 2009

⁵³⁸ [S. Rept. 111-20](#), May 14, 2009

allow non-governmental organizations and others with expertise on the legal rights of workers and victims of severe forms of trafficking in persons to provide their expertise and input into the development and distribution of an information pamphlet on the legal rights and resources for aliens applying for employment- or education-based nonimmigrant visas.

The meeting is being held pursuant to the [P.L. 110-457](#), the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. It will take place at 1:00 pm on Thursday, May 21, 2009, at the Loy Henderson Auditorium in the main Department of State Building. ◇

Organization of the 111th Congress

Senator Arlen Specter's (D-PA) decision to switch his affiliation from the Republican to the Democratic Party has caused, or will eventually cause, changes in the rosters of several Senate committees that have jurisdiction over significant immigration- and refugee-related matters. This section of the Weekly Legislative Update will chronicle the impact that Senator Specter's decision will have on the rosters of these committees, as well as examine the impact that those roster changes may have on the course of immigration- and refugee-related legislation.

This section will continue in this publication until it is no longer necessary.

Senate Judiciary Committee Could Revive Subcommittee on Human Rights:

Senate Judiciary Committee Chairman Patrick Leahy (D-VT) is reportedly considering reviving a subcommittee on Human Rights and Law that was established at the beginning of the 110th Congress but was eliminated at the beginning of the 110th Congress. Under the proposal under consideration, Senator Dick Durbin (D-IL) would relinquish the chairmanship he currently holds on the Senate Judiciary Subcommittee on Crime and Drugs in order to chair the newly revived Subcommittee, which he had chaired during the 110th Congress. The proposal would then permit Republican-turned-Democrat Arlen Specter (D-PA) to take over as chairman of the Subcommittee on Crime and Drugs.

At the time of this writing, the proposals were widely believed to have met the approval of Senate Judiciary Committee Chairman Leahy. However, there was no definitive word on if and when they will be set into motion.

New Ranking Members Take Over on Key Senate Appropriations Committee Panels:

The ranking Republican positions changed hands last week on two Senate Appropriations Committee panels that play key roles in immigration- and refugee-related matters. The moves were a consequence of Republican-Turned-Democrat Senator Arlen Specter's (D-PA) party switch, which forced him to

relinquish his position of Ranking Republican on the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies.

- Labor, Health and Human Services, Education. The new Ranking Republican on the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies is Senator Thad Cochran (R-MS), who relinquished the Chairmanship of the Subcommittee on Homeland Security in order to take over the position. The Labor, HHS, Education Subcommittee has jurisdiction over funding for the Department of Health and Human Services' refugee resettlement programs, operated by the Department's Office of Refugee Resettlement (ORR).
- Homeland Security. The new Ranking Republican of the Subcommittee on Homeland Security is Senator George Voinovich (R-OH). That subcommittee has jurisdiction over funding for the Department of Homeland Security, including its Directorate for Border and Transportation Security (BTS), which is the parent directorate for three immigration-related bureaus: the Bureaus of Citizenship and Immigration Services (CIS), Customs and Border Protection (CPB), and Immigration and Customs Enforcement (ICE). ☼ ◇

Last Week's Legislative Activity

Last Week's Hearings

Seven panels held hearings last week at which significant immigration- or refugee-related matters were discussed. Five of the hearings occurred in the House and two in the Senate:

- Oversight of the Department of Justice. The House Committee on the Judiciary held an oversight hearing last week on the operations of the Department of Justice, at which Attorney General Eric H. Holder, Jr. testified;
- FY '10 International Affairs Appropriations. Two congressional panels held hearings last examining the Administration's Fiscal Year 2010 budget request for the Department of State and International Affairs, at which Jacob Lew, Deputy Secretary of State, testified —
 1. House Committee on Foreign Affairs, and
 2. House Appropriations Subcommittee on State, Foreign Operations, and Related Agencies;
- FY '10 Homeland Security Appropriations. Four congressional panels held hearings last week examining the Administration's fiscal year 2010 budget request for the Department of Homeland Security, at which

Secretary of Homeland Security Janet Napolitano testified —

1. Senate Committee on Homeland Security and Governmental Affairs,
2. House Committee on Homeland Security;
3. House Appropriations Subcommittee on Homeland Security, and
4. Senate Appropriations Subcommittee on Homeland Security.

Four House and Senate Panels Hold Hearings on the Administration's FY '10 Homeland Security Budget Request:

Four House and Senate panels held separate hearings last week on the Administration's fiscal year 2010 budget request for the Department of Homeland Security. The four sessions included the following hearings:

- Tuesday, May 12, 2009, in the House Appropriations Subcommittee on Homeland Security;
- Tuesday, May 12, 2009, in the Senate Committee on Homeland Security and Governmental Affairs;
- Wednesday, May 13, 2009, in the House Committee on Homeland Security; and
- Wednesday, May 13, 2009, in the Senate Appropriations Subcommittee on Homeland Security.

Witnesses. The sole witness at last week's four hearings was Secretary of Homeland Security Janet Napolitano.

Opening Statements. The following summarizes the immigration- and refugee-related comments made by Members in their opening statements:

- Chairman Price. In his opening statement, House Appropriations Subcommittee on Homeland Security Chairman David E. Price (D-NC) noted the escalating violence along the southwest border and the Administration's response to it. He warned that "making real progress against criminal activity that has simmered for decades will take more than a surge of activity at DHS and assistance to those on the front lines. It's going to take a new, coordinated approach across our government and indeed, across our society."⁵³⁹

⁵³⁹ [Click Here](#) to see the complete text of Chairman David E. Price's prepared opening statement at the May 12, 2009, House Appropriations Subcommittee on Homeland Security on the Administration's fiscal year 2010 budget request for the Department of Homeland Security

Chairman Price indicated in his opening statement his pleasure “that the president has announced his commitment to reform a broken immigration system. I’ve consistently maintained that without a comprehensive approach to fix the legal means for people to come to our country and to achieve parity between official policy and our labor market needs, investments otherwise made along the border and for interior enforcement will never be fully effective at halting illegal immigration.” He said that “in the absence of comprehensive reform of our immigration policy -- or shall I say pending comprehensive reform. We certainly hope so -- pending comprehensive reform, we on this subcommittee must ensure the department focuses its resources on the nation’s highest immigration-related priorities. To this end, since I have served as chairman, we have provided over \$1.2 billion for DHS to locate aliens convicted of crimes and serving time in prison and to deport those individuals from the United States after an immigration court has ordered them to leave.”

Chairman Price indicated that he is encouraged by the Secretary’s “commitment to thwart cross-border violence and to find and deport criminal aliens.” He expressed support for the Department’s recently-issued guidelines for ICE investigators to make employer prosecution the focus of its worksite enforcement activities.”

With specific regard to the Administration’s fiscal year 2010 budget request for the DHS, the Chairman said that “the discretionary budget requests \$42.7 billion for DHS, or a 6.3 percent increase over the comparable amount appropriated in 2009.” He said he was “pleased to note that in general the budget does not continue the disingenuous practice of leaving holes where the administration knows Congress has strong interests such as state and local grants.” He told the Secretary, however, that in doing so, “you’ve obviously made it harder for yourself. You’ve had to make some hard decisions about investments that cannot move forward at this time.” The Chairman noted, with pleasure that “almost \$200 million for identifying and removing criminal aliens through the secure communities program, an increase of more than 30 percent over last year’s level, to see an additional \$70 million to take on the criminal organizations operating along the southwest border.”

- Ranking Member Lewis. In his statement, House Appropriations Committee Ranking Republican Jerry Lewis (R-CA) said, “I note a clear prioritization away from some of ICE’s more important interior immigration enforcement programs, like worksite enforcement towards criminal aliens, a worthy program in its own right, but a prioritization that appears to forget that none of the 9/11 hijackers were so-called ‘criminal aliens.’ Making sure that we have a balance relative to those we’re really looking at is pretty fundamental to our success in this arena.”

Ranking Republican Lewis was critical of the Secretary on several other fronts. He said, “it’s hard for me to support a 30 percent increase in your office when front line agencies like CBP and the Coast Guard are receiving inflationary gains.” And he said that it is “also hard for me to agree with hundreds of millions of dollars in information technology initiatives, when investments in critical operational assets are only level funded.”

- Chairman Lieberman. In his opening statement, Senate Homeland Security and Governmental Affairs Chairman Joseph Lieberman (I-CT) told the Secretary that he is “encouraged that the president’s budget recognizes in a new way the threat on our borders posed by drugs, weapons, cash and human smuggling by including an increase of \$135 million for the Southwest Border Initiative.” He cautioned, however, that despite the proposed increase, he does not believe that the Administration has asked for enough funds for the Initiative. Chairman Lieberman said he was “particularly concerned that there’s not enough new support being directed to inspections of southbound traffic to disrupt the flow of illicit guns and cash that the drug cartels use to wage war against each other and too frequently against the Mexican government.” He noted that he and Ranking Member Susan Collins (R-ME) “introduced and the Senate passed an amendment to the budget resolution a short while ago for the next fiscal year that added \$500 million for security at the southwest border. So we will continue to work in this budget process to add more money for that purpose.”
- Ranking Republican Collins. In her opening statement, Senate Homeland Security and Governmental Affairs Ranking Republican Susan Collins (R-ME) was critical of the Administration’s proposed cuts in future years in spending for the Department of Homeland Security, saying that “with the additional cuts proposed by the administration for the next four years, the department may be hard-pressed to carry out its vital missions, no matter how hard the secretary and the employees of the department work to achieve them.” She noted that she and Chairman Lieberman had won agreement in the Senate for an amendment to the fiscal year 2010 budget resolution to provide \$500 MILLION “for additional resources to fight the Mexican drug cartels in the recently passed budget resolution.” She said that the Lieberman/Collins amendment provides for \$260 million to hire and train 1,600 CBP officers and 400 canine teams. She said that, “[u]nfortunately, the administration has proposed only 65 additional CBP officers for this purpose. As the chairman has pointed out, when you look at this segment of the president’s budget, compared to the Lieberman-Collins floor amendment, the difference is 90 percent less in the administration’s budget.”

- Chairman Thompson. House Homeland Security Committee Chairman Bennie Thompson (D-MS) did not make any immigration- or refugee-related references in his opening statement.⁵⁴⁰
- Ranking Minority Member King. House Homeland Security Committee Ranking Republican Peter King (R-NY) did not make any immigration- or refugee-related references in his opening statement.
- Chairman Byrd. Senate Appropriations Subcommittee on Homeland Security Chairman Robert Byrd (D-WVA) did not make any substantive references to immigration- or refugee-related matters in his opening statement.
- Ranking Republican Voinovich. In his opening statement, Senate Appropriations Subcommittee on Homeland Security Ranking Republican George Voinovich (R-OH) noted that the Administration's fiscal year 2010 request for the Department of Homeland Security's Customs and Border Protection Bureau was \$10 BILLION, which he said would represent a 93.3 percent increase in spending since 2004. He noted, as well, that the Administration's fiscal year 2010 request the Department's Immigration and Customs Enforcement Bureau (ICE) \$5.4 BILLION, which would represent a 120 percent increase since 2004. Ranking Republican Voinovich went on to say, "I've often wondered if there was another way we could secure the border and deal with 11 million or so million immigrants. And as we talked in the office, I really believe that without a comprehensive immigration reform plan, if we plan to enforce our current laws, it will require a further investment of \$272 billion and 31 years to locate and remove the estimated 11 million unauthorized aliens in the United States. And this is something I want to talk to you about as we go through this period of time."

Senator Voinovich went on to say "[i]t's important to note that the fiscal year 2010 budget proposes adequate resources to pay for the border initiatives funded over the past four fiscal years and commits to meeting the goal of 20,000 border patrol agents this December and to maintaining that level through fiscal year 2010. Again, interested -- is 20,000 the right number? Should it be more?"

Senator Voinovich concluded his opening statement by saying "there's a tremendous focus on the southwest border, but the northern border also poses challenges to enforcing our laws while facilitating trade. And I hope to invite you one of these days to visit Ohio to gain a better

understanding of the unique aspects of a state on the northern border with no land border with Canada, only coastline."

Prepared Testimony. Secretary of Homeland Security Janet Napolitano used nearly identical prepared testimony for each of the four hearings.⁵⁴¹ In her prepared remarks, Secretary Napolitano listed five major action areas through which she said the Department of Homeland Security undertakes its mission of securing the United States of all threats. Two of the five areas were immigration-related:

- securing the United States' borders; and
- providing smart and tough enforcement of immigration laws and improving immigration services.

She told the panels that the President's fiscal year 2010 proposed budget for the Department of Homeland Security would strengthen those efforts by adding manpower and technology to the southwest border; funding smart security on the northern border; facilitating international travel and trade; making targeted investments to reduce security risk across our nation's vast maritime borders; strengthening our employment eligibility verification systems; and funding efforts to target and crack down on criminal aliens and expedite the application process for new legal immigrants.

Secretary Napolitano spoke with great specificity in her prepared testimony on the two immigration-related missions and how she believed the Administration's fiscal year 2010 budget would advance those missions.

With respect to securing the United States' borders, Secretary Napolitano touted the following provisions from the Administration's budget request –

- Combating Southbound Firearms and Currency Smuggling: An increase of \$26.1 million is requested to enhance DHS' capability to combat southbound firearms and currency smuggling through additional personnel at and between the ports of entry and along the southwest border. This funding will support an additional 44 Border Patrol agents and 8 support staff as well as 65 Customs and Border Protection officers and 8 support staff. Resources are also requested to expand and maintain the Licensed Plate Reader (LPR) program to help establish and maintain effective control of the border. Additionally Immigration and Customs Enforcement (ICE) requests an additional \$70 million to hire 349 positions (specifically Special Agents, Intelligence Analysts, and Criminal Investigators) to increase enforcement staffing, improve cooperative efforts with the Mexican government, and establish another Border Violence

⁵⁴⁰ [Click Here](#) to see the complete text of the prepared opening statement of House Homeland Security Committee Chairman Bennie Thompson at the May 13, 2009, Committee hearing on the Administration's fiscal year 2010 budget request for the Department of Homeland Security

⁵⁴¹ [Click Here](#) to see the complete text of Secretary Napolitano's prepared testimony for the May 12, 2009, House Appropriations Subcommittee on Homeland Security on the Administration's fiscal year 2010 budget request for the Department of Homeland Security

Intelligence Cell. This cross-program initiative will increase national security by expanding activities to secure our borders.

- Maritime Border Security Enhancements: \$700 million is requested to purchase five new Coast Guard Cutters, two Maritime Patrol Aircraft and one aircraft flight simulator to increase surface and air asset presence in the maritime domain and vastly improve threat detection and interdiction capabilities. \$103 million is requested to purchase 30 new Coast Guard small boats to replace aging, obsolete assets with more capable, multi-mission platforms. \$1.2 million is requested to establish a permanent Biometrics at Sea System, an investment which enables Coast Guard boarding teams to identify dangerous individual documented in the US-VISIT database and yields the type of cross-component operational integration sought through creation of DHS and that must continue to be built upon.
- Northern Border Technology: \$20.0 million is requested to assist U.S. Customs and Border Protection (CBP) in providing improved situational awareness along the northern border through the design, deployment, and integration of surveillance, sensing platforms, detection technologies and tactical infrastructure. This technology will expand DHS capabilities, increase the effectiveness of our agents, and increase the ability to detect unlawful border activity successfully.
- CBP Air and Marine (A&M) Personnel: A \$19.1 million increase is requested to support Border Patrol agents by providing air cover as well as expanding maritime assistance along the borders. Funding is requested to hire an additional 68 pilots, 20 marine and 56 support personnel. During FY 2010, A&M plans to continue the expansion of its capabilities across the northern and coastal border and place heavy emphasis on the maritime requirements along the southeast and Caribbean borders. The additional personnel resources are requested as new marine vessels are deployed to marine branches at strategic locations along the coastal borders.
- Research and Development for Border and Maritime Security: A \$7.1 million increase for Science & Technology is requested to fund a new research effort to provide advanced detection, identification, apprehension, and enforcement capabilities along borders, increasing the security of the border and lowering the risk of a successful terrorist attack. Additionally, funding will provide new technologies to the United States Coast Guard, Customs and Border Protection, and Immigration and Customs Enforcement, and other components operating in the maritime environment.

With respect to providing smart and tough enforcement of immigration laws and improving immigration services,

Secretary Napolitano touted the following provisions from the Administration's budget request –

- E-Verify: Total funding of \$112 million and 80 new positions are requested to support improvements to the employment eligibility verification system, E-Verify. The growth of the E-Verify program will increase the need for monitoring and compliance activities to protect employees from discriminatory practices, safeguard privacy information, and enhance program efficacy. The FY 2010 program increase is primarily for monitoring and compliance activities, as well as IT-related business initiatives to improve system use.
- Secure Communities: Total funding of \$39.1 million is requested to hire, train, and equip 80 new enforcement personnel who will identify suspected criminal aliens, determine subjects' alien status, prioritize ICE enforcement actions against the highest threat criminal aliens, and assist in the removal of apprehended criminal aliens. Funding will also support the continued investment in information technology to improve efficiencies within ICE criminal alien identification prioritization and removal processes.
- Detention and Removal Operations Modernization (DROM): Total funding of \$25 million is requested for improvements to the system of detaining and removing illegal immigrants. The funding will be dedicated to developing and deploying the Detainee Location Tracking Module as part of the Bed Space and Transportation Management System, expanding the ICE Data warehouse data capacity and reporting capability to support the DRO IT data, and expanding Web services to allow the Electronic Travel Document application to communicate with other internal or external applications. DROM will effect improvements in the areas of real-time dynamic data reporting, detainee management, management of detention beds and tracking detainees, bed-space availability management, and transportation management for improved efficiency in detention and removals.
- Law Enforcement Systems Modernization: Total funding of \$49 million is requested to fund the ICE Law Enforcement Systems Modernization initiative, including a number of case management, information sharing, and operational support service projects that will improve access to law enforcement information. For example, the case management Traveler Enforcement Communication System (TECS) system modernization effort will support the investigative arm of ICE and update a 20-year-old system, giving ICE improved capabilities for case management, money laundering tracking and reporting, telephone analysis, intelligence reporting and dissemination, Bank Secrecy Act data access, information sharing of subject record data, and

statistical/ performance reporting. The funding will also support the design and development for the integration of ICE-Agreements of Cooperation in Communities to Enhance Safety and Security (ACCESS) and Information Sharing.

- **Immigrant Integration:** Total funding of \$10 million is requested for an Immigrant Integration program within USCIS, in order to improve the integration of immigrants into the United States. This program allows USCIS and the Office of Citizenship to work across the Federal Government and with state and local governments, U.S. businesses, non-profits, academia, and faith-based organizations to support effective integration efforts across the country. USCIS will provide grants to community-based organizations for citizenship preparation programs; facilitate English language learning through improved web resources; build volunteer capacity by developing a training certification framework for volunteers and, promote citizenship with integration messages at the workplace, among federal agencies, and the general public.
- **US-VISIT Identity Management and Screening Services:** An \$11.2 million increase is requested to support the increased workload demands associated with the transition from 2- to 10- fingerprint biometric capture for foreign visitors. The increase will support biometric identifications and verifications, latent print processing, data sharing with other agencies, and the growing Secure Communities initiative, which shares biometric information with local law enforcement. The funding will also support information sharing and technical assistance to select foreign governments to promote the adoption and use of common biometric identity management standards in order to advance the ability to screen travelers to and workers within the United States.
- **Western Hemisphere Travel Initiative (WHTI):** A \$20.9 million increase is requested to continue maintaining and operating the WHTI program that supports Departmental efforts to facilitate the efficient movement of people at the land border POEs. WHTI provides a tool to conduct the necessary authentication at the time of crossing and it also accelerates the verification process mandated by law to the extent possible with Radio Frequency Identification (RFID) Technology and communications technology.

Q&A Session. Numerous immigration-related questions were asked during the question-and-answer sessions at last week's four hearings. This included questions on--

- [287\(g\) Programs](#)
- [Alternatives to Detention](#)
- [Balance Between Interior and Border Enforcement](#)
- [Comprehensive Immigration Reform](#)
- [Detention Standards](#)
- [E-Verify Program](#)

- [Funding for Border Patrol Agents](#)
- [Use of National Guard to Patrol the U.S. Border](#)
- [Release of Illegal Immigrants Apprehended in Raids](#)
- [Removal of Criminal Aliens](#)
- [Repeal of the REAL ID Act](#)
- [Secure Border Initiative and Fencing](#)
- [Unaccompanied Alien Children](#)
- [Worksite Enforcement](#)

The following summarizes the immigration-related matters that came up during the question-and-answer sessions that took place between committee members and Secretary Napolitano:

- **287(g) Programs.** House Appropriations Subcommittee on Homeland Security Chairman David E. Price (D-NC) asked Secretary Napolitano about the usefulness of the 287(g) program as a method for state and local governments to help in the enforcement of immigration law.

Secretary Napolitano responded by saying, "we are looking at 287(g). Why? Because it had so many variations across the country and no metrics in terms of was it actually producing a benefit for our immigration enforcement efforts. And so, we want to really be looking at that agreement to look at ways to make it more uniform across the country and to put some real metrics on it, so it's an accountable program to us."

- **Alternatives to Detention.** Representative Lucille Roybal-Allard (D-CA) asked the Secretary during the House Appropriations Subcommittee on Homeland Security hearing if the Department was looking at alternatives to detention, particularly for vulnerable people, to save money.

Secretary Napolitano said that while the Administration is looking at alternatives to detention, "my initial blush review of alternatives to detention was not a very encouraging one. It was not actually all that cheaper than actual detention, and the disappearance -- the rate of people not coming back for their visits, or whatever, was not acceptable. So whatever we were doing in that mode either had to be strengthened and funded appropriately or we needed to continue with a detention model." She went on to say that "the purpose of detention is to hold somebody for deportation, and the detainee knows that too, and so there are some issues there that we need to address from the enforcement perspective."

When asked about tracking bracelets, the Secretary responded, "they are not cheap."

- **Balance Between Interior and Border Enforcement.** Representative Paul Broun (R-GA) noted the increased ICE resources and the Department's new guidelines on worksite enforcement and asked the Secretary if those

two factors were going to result in a reduction in interior enforcement.

Secretary Napolitano responded that she was a strong supporter of ICE's enforcement mission. She said it would be wrong to paint the picture of a border vs. interior immigration enforcement dichotomy. She told the panel that "[y]ou have to do it all because you can't have a system where the border is kind of like a gauntlet, and if you get through it you're free. We want interior enforcement as a system backing up all of the work that we're doing at the border. One area that you should look at is one of the areas we have plussed up on ICE -- because I believe also in effective and efficient law enforcement -- and all enforcement of immigration doesn't require an investigative agent per se. For example, on the work site side we are adding I-9 auditors. These are people who will actually go in and audit the immigration forms employers are required to have. They are lower paid quite frankly than agents. Their work, however, will help us direct which employers deserve or merit further attention by the higher paid employees. So even as we look at work site enforcement, we're saying, 'OK now how do we staff it appropriately to get the best deals for the dollars that you're supplying?'"

- Comprehensive Immigration Reform. House Appropriations Subcommittee on Homeland Security Chairman David E. Price (D-NC) asked Secretary Napolitano if she would say that enforcement, alone, is a sufficient immigration strategy.

Secretary Napolitano said that "the president has already indicated that he wishes to sometime this year take up the issue of underlying immigration reform. And we will be fully prepared to help participate in that effort when the time comes."

- Detention Standards. House Homeland Security Committee Chairman Bennie Thompson asked the Secretary what the Administration was doing to prevent deaths in DHS detention facilities.

Secretary Napolitano replied that the Department has increased the level of supervision that DHS's detention operations is getting. She said that a new person has been hired to oversee detention and that person reports directly to the head of ICE. She said that the person "has been going facility by facility, contract by contract, looking at what we have. The budget reflects not only the need for beds, but the need to increase the expenditure for health care to reach standards for detainees. And so we are in the process of doing that right now, as well."

- E-Verify Program. Several questions were asked about the E-Verify program during last week's hearings.

Representative Ken Calvert (R-CA) asked the Secretary during the House Appropriations Subcommittee on Homeland Security hearing why the Administration was only interested in a three-year long authorization of the E-Verify program.

Secretary Napolitano responded, saying, "I'm a big supporter of E-Verify." She said that "it has to be an integral part of our employer enforcement moving forward, because you have to give employers, particularly smaller ones, a relatively accessible, easy to use method of verifying lawful presence for purposes of employment." She said that, as governor, she "issued an executive order requiring the use of e-verify throughout the government, so I know how it works, because we were one of the largest employers, and we were hiring people all the time. And so I knew that some of the issues raised with e-verify, in truth, didn't pan out." She said that she also "signed the law that was the strongest, and I think we made the strongest employer sanctions law in the country, which drives employers to using E-Verify. And, indeed, I think the last report I saw was that about 26 percent of the employers who are on E-Verify now come from Arizona. So I know if the law works in the right way, you get the right result." With regard to the length of authorization for the program, she said, "I leave that for Congress' wisdom. I would like certainly more than one year, and I certainly would like the expectation that this is going to be an ongoing and integral part of our enforcement network."

With regard to the delayed rule promulgated by the Bush Administration to require that all federal contractors use the E-Verify system, Secretary Napolitano said, "I think that has mostly been a logistical one, i.e., in other words, to make sure that the system was robust enough, accessible enough, and so forth, so that the actual application of stimulus monies didn't get slowed down waiting for E-Verify to catch up."

In response to a question from Representative Ken Calvert (R-CA), Secretary Napolitano said, "I believe E-Verify needs to be an integral part of our immigration law enforcement moving forward. The system needs to be easy to use. It needs to be efficient for prospective employers and employees because we don't want people unfairly denied work because of E-Verify, but I believe that we will be increasing E-Verify's capacity and capability." She went on to tell Representative Calvert "I believe that the White House is now considering the rule about all contractors for the federal government, with prospective Department of Homeland Security. I do not know contracts that do not provide for the use of E-Verify. She said that the White House has delayed implementation of regulations mandating the use of E-Verify by all federal contractors out of a concern that over "whether the capacity of the E-Verify system was big enough to handle a universal role at all contractors or

whether that requirement would delay stimulus money getting out into the economy and jobs being created.” When pressed by Representative Calvert on when the Bush-era rule would be implemented, the Secretary said, “the next deadline is in June and we’ll get back to you on that. But the matter is in the White House, looking at capacity to all agencies to implement.”

Senator John McCain (R-AZ) asked Secretary Napolitano during the Senate Homeland Security and Governmental Affairs Committee hearing what needs to be done from a technical standpoint to improve the E-Verify system.

Secretary Napolitano replied that the Administration is working on improving the integrity of the database; improving the data, itself; improving the ease with which data is searched; and adding capacity for more and more employers to be on the system simultaneously.

- Funding for Border Patrol Agents. Representative Ken Calvert (R-CA) noted that Congress funded 2,900 additional border patrol agents in fiscal year 2009 yet the Administration’s fiscal year 2010 budget request would add only 44 new agents. He also noted that in fiscal year 2009, Congress funded 1,300 additional Customs and Border Patrol officers and that the Administration has requested fiscal year 2010 funding for only 54 additional officers. He asked if this was wise.

Secretary Napolitano replied that Congress set a goal for 20,000 Border Patrol agents and that the goal will be met. Now, she said, the Department must sustain that number over time.

the Department John Carter (R-TX) asked the Secretary whether it will be the policy of the Department to release illegal aliens who are apprehended in worksite raids and give them work authorization.

- Release of Illegal Aliens Apprehended in Raids. Representative John Carter (R-TX) asked the Secretary whether it will be the policy of the Department to release illegal aliens who are apprehended in worksite raids and give them work authorization.

Secretary Napolitano said that releasing aliens who are apprehended at worksite raids is not a new policy. Instead, she said, “[t]hat’s the way those cases have been done for a long time.” She expanded who her comment, saying that “[h]ere’s what happens. You go onto a worksite. You serve warrants. You want to bring a case against the employer, you need certain of the workers to be able to testify. That means they have to be able to stay in the country legally while you’re getting ready to go to court. It also means that they’ve got to be able to feed themselves while you’re waiting to go to court. And so the practice has been to provide for an extended

departure date for them. They’re allowed to stay in the country legally for that period of time while they are cooperating. They are allowed to work during that period of time while they are cooperating. When the case is over, they are deported.”

- Removal of Criminal Aliens. House Appropriations Subcommittee on Homeland Security Chairman David E. Price (D-NC) asked the Secretary how she intended to focus the Department’s efforts on the removal of criminal aliens.

Secretary Napolitano responded that “a high interest of ICE is to remove and deport criminal aliens from our population, and I say that based, in little part, on my own background as the former United States attorney general and two-term governor of Arizona, a border state, which perhaps, more than any other state in the last years, has seen the increase in illegal immigration across that border and having to make judgments about what is the best way to get at it and how do you do your immigration mission and public safety mission simultaneously.” She said that “we look at how to use the existing programs within ICE to focus upon the criminal alien population. That means, for example, the 287(g) Program. 287(g) is a program that basically consists of MOUs between the department and state and local law enforcement.” She said that “[a] very, very good use of 287(g) is to identify inmates in our prisons and jails, those who’ve already fun afoul of our criminal justice system, and begin the deportation proceedings before they are released from those places of incarceration so that you don’t have a gap between when you serve a state sentence and then get released into the public and then have ICE have to pick you up and start afresh with immigration enforcement.” She said that, as Governor of Arizona, she “was one of the first, perhaps the first governor, of the country to negotiate such an agreement with ICE for the Arizona state prison system. It’s been very effective, and we’ve seen those agreements be effective in multiple ways.”

Secretary Napolitano said that another program that is useful in dealing with criminal aliens is the Secure Communities Program. She said that the Administration has requested increases for both programs and that the appropriate focus of them is criminal aliens.

With regard to the Secure Communities program, specifically, she said that it is really a way to unite immigration, public safety, criminal law agencies in communities across the country to focus on the criminal alien population. Also gangs, for example, particularly in some of the states where you have large gangs that have a large percentage of illegals who are members of the gang, it allows us to really focus those efforts in a very, very good way.

Secretary Napolitano said that “[a] third way that this budget and our department is moving is to make sure we make great use of technology; in other words, that we gather the identities of those who are apprehended, that we make sure that criminal records checks are run against all of the relevant databases. If it sounds basic, it is, but it needs to be uniform, basic, constantly done and databases constantly improved, and you will see funding for that in the budget as well. I could name a number of other things.”

Secretary Napolitano cautioned, however, by making an additional point: “in the world of illegal immigration, ICE has to multitask. We cannot just do the criminal aliens. We have to prioritize and identify how we also do work site enforcement, how we also handle other matters involving illegal immigration.” She said, “one of the items I’m trying to bring to bear on the department, influenced by my experiences I have had, is how do we prioritize, even with ICE, as we multitask on a number of these areas?” She also said that “the criminal alien population and dealing with them and being very robust there is going to be a key priority for us.”

- Repeal of the REAL ID Act. Representative Mark Souder (R-IN) asked about comments she has made supporting repeal of certain aspects of the REAL ID Act.

Secretary Napolitano responded that “governors across the country in both parties all thought REAL ID was an unfunded mandate from the Congress.” She said that she “actually signed a bill in Arizona opting Arizona out of REAL ID because there was no money associated with it, and the way the regs were coming down it was going to be a very big burden. That was almost the strongest bipartisan vote amongst the nation’s governors that I saw in my time as governor.”

Secretary Napolitano said that when she became Secretary, she decided that we need to get to what the 9/11 commission was getting at, which is a more secure driver’s license. She said that the Department has been working with a team of governors at the NGA level in a bipartisan fashion to craft a substitute for REAL ID. She said that the measure would likely be introduced soon in the Senate on a bipartisan basis.

She said that she does not merely support the repeal of the REAL ID Act, but also “giving the governors of the country a bill they can actually implement given the way motor vehicle departments work and the like.”

- Secure Border Initiative and Fencing. Several questioners asked the Secretary about the Secure Border Initiative and fencing along the U.S. border with Mexico.

House Appropriations Subcommittee on Homeland Security Chairman David E. Price (D-NC) noted that \$4

BILLION over the last three years has been spent on the Secure Border Initiative (SBI) yet the only visible result is physical fencing. He asked the Secretary what the Administration’s plans were with regard to SBI and fencing. Senate Appropriations Subcommittee on Homeland Security Chairman Senator Robert C. Byrd asked the Secretary a similar question during his Subcommittee’s hearing.

The Secretary said that the Administration’s plans for the border have several elements. The first is “boots on the ground”, or manpower, and the second is technology.

Secretary Napolitano expanded on this concept, saying that “we now have just signed off on the first phase of SBInet as being operational and is going into place in the Tucson Sector, and will be added to other sectors now along the southern border. That program, as you know, took a while to get worked out, but it is now being worked out.” She said that “while, for example, on the fence, the budget does not necessarily ask for new miles and miles of fence, it does not say that there can never be another portion of fence added on as part of another section of the border, as part of a system. We might want to add some more fencing in certain more places and in a limited way.” She said that “[j]ust building a fence across several thousand miles of some of the most rugged terrain you will ever see, is not, in and of itself, an anti-illegal immigrant or anti-contraband strategy.”

Secretary Napolitano warned that concentrating on border enforcement was not enough to deter illegal immigration. More specifically, she said that “[t]he other part that needs to be added to that is interior enforcement. That’s why the worksite enforcement has to be part and parcel of our efforts here, because it is the demand or the draw for jobs that really creates the demand for a lot of that illegal immigration over the southern border. So, unless you marry what you’re doing at the border with some interior enforcement, all you’ve done is create a challenge to sort of run the gauntlet, and then a home-free system. That’s what we need to avoid.”

With specific regard to fencing, Secretary Napolitano said, “we have and intend to complete the fencing that the Congress has appropriated for. We are now deploying the first major stretch of what is called SBInet, which is virtual fencing. It will go on the Mexico-Arizona border. There were, as you remember, some glitches and significant problems with that technology. It was not operationally interfaced with our Border Patrol agents. It now is. Those towers are now going in. The environmental issues have been addressed and the like. So we have fencing. We have virtual fencing. We have and will have 20,000 boots on the ground, among other things. And so, what we’re seeing now, Senator, is the numbers of illegal crossings going down and it’s been going down fairly significantly over the last two years. I

think that's partially due to these enforcement efforts and probably partially due to the American economy as well. But we have, in my view, a process and are embarked on a plan that gives us operational control on that southwest border. And it's very different down there now than it was, say, eight or 10 years ago."

The Secretary, further, responded to complaints that the Administration has not asked for funding in its fiscal year 2010 budget request for the construction of additional fencing, by saying "[w]e are completing the fence that has already been appropriated. We are adding technology a virtual fence now. The first big section is underway. We've now approved the technology, some of the glitches that occurred before have been corrected. So that will be underway. This budget does not prevent us for doing some more fencing as part of a tactical infrastructure with technology and boots on the ground in other parts of the border, but I have never believed and have testified before that simply a fence from Texas or Brownsville over to San Diego would by itself be effective. We have to have a system."

In response to Senate Appropriations Subcommittee on Homeland Security Ranking Member Voinovich, the Secretary said "the harder question is: What's the end goal? When can we say we're done? And I am re-looking at that now. There was some work done on that by the prior administration. I want to take an independent look at it based on my own experience and I'm doing that work right now." She warned, however, that "[o]ne thing I think we need to avoid is backing off of our work on the border because numbers are going down, apprehensions are going down and the like. This is precisely the time when we should keep at our current efforts, keep at everything that we're doing, and then estimate and plan that we're going to have to sustain these efforts over time. Part of the problem at that border historically has been there's a lot of money put in one year and then the next year there wasn't and there was no continuity. And one of the things that we're going to have to have is sustainment and continuity."

With specific regard to SBINet, the Secretary responded to a question by Representative Mark Souder during the House Appropriations Subcommittee on Homeland security hearing said that the Administration was about to deploy 28 miles of SBINet technology on southern Arizona, with deployment in another sector on the way. She declared that SBINet is "an integral part of our plans going forward because I believe that a border has to be secured. You have to have operational control over it. It requires manpower and technology, particularly technology between the ports of entry."

- Unaccompanied Alien Children. Representative Lucille Roybal-Allard (D-CA) told the Secretary during the House Appropriations Subcommittee on Homeland

Security hearing of reports that she has seen of the Border Patrol holding unaccompanied alien children in custody for as long as five days at border stations. She asked the Secretary if ICE or ORR should have the responsibility of transferring children to ORR's custody.

Secretary Napolitano replied that "we have begun looking at a whole host of issues involving detention policies and practices of ICE. We have elevated the Detention Office within ICE to -- it was at the bottom of the org chart -- to an office that reports directly to the head of ICE who hopefully will be confirmed in the next week or two -- his name is pending before the Senate now -- but also to look at issues: Unaccompanied juveniles, health care standards within our ICE detention facilities." The Secretary went on to say that "[t]here are a whole host of things that have caused public concern. So that is one among several. We are looking at it. And we'll be happy to provide you with information as that examination goes forward."

The Secretary said that "[w]ith respect to ORR versus ICE as to which is the appropriate body, I have not yet made a determination. This is a very difficult issue in states along the border. There are a lot of children, unfortunately, that are picked up who are unaccompanied minors, and sometimes they are held simply while someone -- the consulate or somewhere else -- asks that they be held there. They are held there while they try to locate parents or somebody in Mexico or Central America where they could safely be returned. And so sometimes that takes more than a day or two or three, although I don't think it's often an extended stay nor should it be. So I have not yet made the determination whether ICE is doing the best job or whether ORR is a better place for that, but I do know it's one of a cluster of detention issues that we are looking at."

- Use of National Guard in Patrolling the Border. Senate Appropriations Subcommittee on Homeland Security Ranking Republican George Voinovich (R-OH) asked several questions relating to the use of the National Guard on the U.S. border. He asked, "Do we need the National Guard to supplement our Border Patrol in order to secure the border? And if we do, how long are we going to need them? And is it more -- would it be more prudent for us to hire more border guards than to put the money into the National Guard who, you know, have other responsibilities in their respective states?"

Secretary Napolitano responded by noting that the Administration has asked for \$250 MILLION in its fiscal year 2010 budget for the National Guard, to be used in immigration enforcement. She said that the funding request is designed "to give us flexibility to look at whether there is another role for the Guard at the border in light of the increased drug-related violence in the northern states of Mexico, so that as we look at that

operation, what options are available to us. Without making a final decision, there at least is a designated sum that would be available for that.”

When pressed, she declined to state whether she thought that there would be a need during the year to use National Guard resources on the border.

- **Worksite Enforcement.** Representative John R. Carter (R-TX) expressed concern about what he termed DHS’s new “Go After Employers, Not Employees” policy with regard to worksite immigration enforcement, saying that one particular employer in his district was concerned that even though he was doing everything he could to comply with the law, he could be endangered.

Secretary Napolitano replied that if an employer is “doing everything right and he’s using E-Verify, and he’s got a robust I-9 process to check immigration forms, the fact of the matter is the law -- it’s very tough to prove a case against an employer. You have to show knowledge and intent to hire illegally, and that requirement is not going away.” She said that the intent of recently released guidelines was to say, “look it is easy to rack up numbers and just go onto a place and pick up the employees. What I want our agents to do, however, is to build cases not just against employees, but if there is an employer who’s intentionally and knowingly continuing to delve into that illegal labor market, that we have a shot at bringing a winnable prosecution.” She said that “it means really thinking through your evidence, your warrant strategy, how you’re going to handle that, increasing our number of I-9 auditors that can actually go in and do more I-9 audits, which are lower paid employees than actual case agents, but help give us some inkling about where our case agents ought to be targeting to help really deal with the whole issue of the worksite.” She said that if an employer “has got a good process and he can show that he routinely uses E-Verify and I-9 and has got that all in place, then the existing federal law will not allow us to bring a prosecution.”

With regard to criteria that will be used to conduct raids, she said that there are a variety of them. ☀

House Appropriations and House Foreign Affairs Panels Hold Hearings on the Administration’s Foreign Affairs Budget Request: The House Appropriations Subcommittee on State, Foreign Operations, and Related Agencies and the House Committee on Foreign Affairs each held separate hearings last week on the Administration’s fiscal year 2010 foreign affairs budget request. Last week’s House Appropriations subcommittee hearing was held on Wednesday, May 13, 2009. The House Foreign Affairs Committee hearing was held on that same day.

Witnesses. The sole witness at both of last week’s hearing was Jacob Lew, Deputy Secretary of State for Management and Resources.

Opening Statements. The following summarizes the immigration- and refugee-related comments made by Members in their opening statements:

- **Chairwoman Lowey.** In her opening statement, House Appropriations Subcommittee on State, Foreign Operations, and Related Agencies Chairwoman Nita Lowey (D-NY) noted that the Obama Administration has requested what she called “an unprecedented \$53.9 billion for the 150 account, including \$52 billion within the subcommittee’s jurisdiction.” She said that “before anyone complains about the size of the increase, I want to make it clear, let me note that most of it simply is to regularize the supplemental funding for Iraq, Afghanistan, Pakistan, the West Bank and Gaza, and humanitarian assistance.” She noted that “[t]otal supplemental funding, combined with the F.Y. 2009 appropriations, reflect an increase in 2010 of about \$4 billion or 8 percent, which is consistent with increases sought by former President Bush.” She said, though, that “President Obama, through honest and transparent budgeting, has declared up front the true cost and importance of our foreign policy. He is investing in diplomacy and development as our first line of defense by providing resources to create a 21st century State Department and USAID, instead of relying on our overstretched military to run our foreign policy and implementing foreign aid programs.”

In fact, the major increases in the international affairs budget are not the program expenses, they’re for what I would call people expenses. With adjustments to supplemental funding the president’s request seeks a 30 percent increase for both the diplomatic and consular programs account and USAID operating expenses, which funds the operations of the State Department, including personnel, security and training at our embassies, and USAID development personnel and security cost.

- **Ranking Republican Granger.** In the only immigration- or refugee-related reference in her opening statement, House Appropriations Subcommittee on State, Foreign Operations, and Related Agencies Ranking Republican Kay Granger (R-TX) noted that she was pleased that “the administration is following through with support for the Merida Initiative, the \$450 million request. It’s an important investment in Mexico’s war against drug cartels on our southern border.”
- **Chairman Berman.** In his opening statement, House Foreign Affairs Committee Chairman Howard L. Berman (D-CA) commended the Administration for putting the nation on track to double the foreign assistance budget by fiscal year 2015. Chairman Berman

said that “[p]roviding assistance to those in need reflects the values and generosity of the American people. Foreign aid also supports our national security interests by promoting stability, economic growth, and respect for democracy and human rights. And from a financial perspective, preventing a failed state today is much more cost effective than paying for the negative consequences resulting from that failed state in the future.”⁵⁴²

- Ranking Minority Member Ros-Lehtinen. House Foreign Affairs Committee Ranking Minority Member Ileana Ros-Lehtinen (R-FL) did not make any references to immigration- or refugee-related matters in her opening statement.⁵⁴³

Prepared Testimony. Deputy Secretary of State Jacob Lew’s prepared testimony was nearly identical at both hearings.⁵⁴⁴ In that testimony, he listed the need to maintain federal resources to respond to urgent humanitarian needs as one of five priorities for the Administration. He said that “[t]he U.S. remains the leader in responding to the most vulnerable populations, providing basic life-sustaining support in the face of disasters; and protection of refugees, conflict victims, and internally displaced persons overseas. Our humanitarian assistance programs are the most fundamental expression of our values, from responding to the devastating impacts of the cyclone in Burma to the victims of conflict and instability in Darfur, Zimbabwe, and now Sri Lanka and Pakistan. We have also seen that leading with these values has a multiplier effect. It was our humanitarian assistance in the aftermath of the earthquake in Pakistan that began to turn the sentiments of Pakistani citizens away from extremists, and to see the United States as a force for good in their lives. And we know that the deep human suffering -- the lack of access to the most basic of needs -- can feed instability and further conflict.”

With respect to refugees, specifically, Deputy Secretary Lew said that the Administration’s fiscal year 2010 budget request “aims to budget fully for expected requirements for refugees, rather than continuing to rely on supplemental appropriations. The request includes \$4.1 billion in refugee, disaster,

⁵⁴² [Click Here](#) to see the complete text of the prepared opening statement made by House Foreign Affairs Committee Chairman Howard L. Berman and the Committee’s May 13, 2009, hearing on the Administration’s fiscal year 2010 international affairs budget request

⁵⁴³ [Click Here](#) to see the complete text of the prepared opening statement of House Foreign Affairs Committee Ranking Republican Ileana Ros-Lehtinen at the Committee’s May 13, 2009, hearing on the Administration’s fiscal year 2010 international affairs budget request

⁵⁴⁴ [Click Here](#) to see the complete text of the prepared testimony of Deputy Secretary of State Jacob Lew at the April 13, 2009, House Foreign Affairs Committee hearing on the Administration’s fiscal year 2010 budget request for international affairs

displaced persons and emergency food assistance, which is part of our comprehensive U.S. food security efforts. In addition to basic needs, these resources assist refugees with voluntary repatriation, local integration, or permanent resettlement in a third country, and provide critical humanitarian relief, rehabilitation, and reconstruction in countries around the world affected by natural and man-made disasters.”

In addition to making specific reference to refugees, Deputy Secretary Lew also made several references to internally displaced persons during his testimony. For instance, in his written testimony, he noted that the Administration’s fiscal year 2010 request “focuses on key areas that will help the Iraqis lay a foundation for lasting peace and stability, including strengthened institutional capacity at both the national and provincial levels, assistance to displaced Iraqis, and support to advance national reconciliation.” And in his oral testimony, Deputy Secretary Lew spoke about the needs of IDPs in Pakistan. He said of the situation in Pakistan, “[t]here is a real possibility that in addition to the 500,000 already internally displaced, another 1 million persons could need assistance. The challenge in part is providing funding and we are taking steps to make certain that we’re able to help there. But even more challenging will be gaining access, and our very capable ambassador in Islamabad is coordinating with international organizations, NGOs and the government of Pakistan to determine how we can assist most effectively.”

Q&A Session. Only two refugee-related questions were raised at the two hearings. This included questions on--

- [Adequacy of Funding for the MRA Account](#)
- [Refugees and IDPs in Pakistan](#)

The following summarizes the refugee-related matters that were raised during the question and answer sessions that took place between committee members and Deputy Secretary Lew at last week’s two hearings:

- Adequacy of Funding for the MRA Account. Representative Jesse Jackson, Jr. (D-IL) noted that the Administration’s FY ’10 request for the MRA account, while increased over previous years’ requests, was less than the combined amount of funding that is expected to be appropriated for the accounts in fiscal year 2009. He asked the Deputy Secretary to explain that.

Deputy Secretary Lew replied that “we have very much have tried to take a look at the full year and include the resources that are likely to be needed.” He said that in the refugee area, as in other areas, “contingency planning is always subject to risk, so you never have full knowledge of what will actually occur. So we would reserve the right, if there are emergencies, even though we’ve planned ahead, to come back and work with you.”

Deputy Secretary Lew explained the difference between the fiscal year 2010 request and the amount that is expected to be appropriated in fiscal year 2009 by saying, “there are several areas that in 2009 were quite intensive in terms of demands for resources -- in Gaza, in Georgia, in Lebanon -- and the reduced needs in those areas we think provides a sufficient cushion that we are now funding at a historical level that will enable us to meet the expected needs around the world.” He went on to assert that “as the year develops, if that turns out to be an underestimate, we would work with you on it. But it is our best estimate, that given the reduction in needs in some parts of the world there is a cushion to meet the needs in other parts of the world.”

- **Refugees and IDPs in Pakistan.** Representative Shelia Jackson Lee (D-TX) noted estimates that there could be a million or more refugees and internally placed persons produced in Pakistan soon. She asked Deputy Secretary Lew what the Administration’s plans were with regard to refugees and internally displaced persons there.

Deputy Secretary Lew told Representative Jackson Lee that the Administration shared her concerns. He said that there were a half million IDPs in Pakistan before its government began its counter-insurgency and that all estimates that he has seen predict that the number will rise to more than a million. He said that the capacity of people there to absorb family members is already taxed, and so that he envisioned that there would be a problem with the ability of the country to absorb IDPs.

He said that he thought the U.S. was devoting adequate money to the situation but that he was concerned about capacity. He said that the United States needed to play a leadership role in responding to the situation in Pakistan in the coming months and that the reports he has seen indicate that the big problems are likely to occur down the road in the fall and winter. ☀

House Judiciary Committee Holds Oversight Hearing on the Operations of the Department of Justice: The House Committee on the Judiciary held a hearing last week examining the operations of the Department of Justice. Last week’s hearing was held on Thursday, May 14, 2009.⁵⁴⁵

Witnesses. The sole witness at last week’s hearing was Attorney General Eric H. Holder, Jr.

⁵⁴⁵ [Click Here](#) to see video of the May 14, 2009, House Judiciary Committee hearing at which Attorney General Eric H. Holder testified

Opening Statements. The following summarizes the immigration- and refugee-related comments made by Members in their opening statements:

- **Chairman Conyers.** House Judiciary Committee Chairman John Conyers, Jr. (D-MI) did not make any references to immigration matters in his opening statement at last week’s hearing.
- **Ranking Republican Smith.** In his opening statement, House Judiciary Committee Ranking Republican Lamar Smith (R-TX) listed five concerns he had with the conduct of the Department of Justice under Attorney General Holder’s tenure. Two of those five items were immigration-related. More specifically, Ranking Member Smith expressed concern that “the administration has expressed support for repealing the REAL ID Act, one of the central recommendations of the bipartisan 9/11 Commission.” Representative Smith asserted that “[r]epeal of REAL ID will once again allow terrorists, including those in the country illegally, to obtain U.S. driver’s licenses and acquire the appearance of legitimacy.” Representative Smith also expressed concern that “the administration has continued to ignore federal law and tolerate state and local so-called sanctuary policies protecting illegal immigrants, including illegal immigrant criminals, from deportation.” On that issue, Representative Smith asserted that “[t]ime and again, we have seen Americans killed and injured by illegal immigrants who were protected from deportation by the sanctuary policy.”

Prepared Testimony. In his prepared statement for last week’s hearing, the only immigration-related matters that Attorney General Holder addressed was the general issue of Mexican Cartels and Southwest border security.⁵⁴⁶

Attorney General Holder told the Committee that “[c]onfronting the Mexican cartels, in partnership with the Mexican government, is a paramount concern for the United States and the Department. Illegal immigration and border security likewise continue to be paramount concerns. The southwest border in particular is a vulnerable area for illegal immigration, drug trafficking, and the smuggling of illegal firearms. Implementing a comprehensive strategy for confronting the cartels and security at the border involves collaboration and coordination at various levels of the government.”

Attorney General Holder told the Committee that “[a]ddressing southwest border security has two basic elements: policing the actual border to interdict and deter the illegal crossing of undocumented persons or contraband goods, and confronting the large and sophisticated criminal

⁵⁴⁶ [Click Here](#) to see the complete text of Attorney General Eric Holder’s May 14, 2009, House Judiciary Committee oversight hearing on the operations of the Department of Justice

organizations operating simultaneously on both sides of the border. To that end, the Justice Department is targeting the Mexican cartels as it did La Cosa Nostra or any other large organized crime organization. These efforts – which rely upon the combined efforts of the Justice Department law enforcement components (DEA, FBI, ATF, U.S. Marshals Service (USMS), the U.S. Attorneys, the Criminal Division and the Organized Crime Drug Enforcement Task Force (OCDETF)) together with the Department of Homeland Security and other federal agencies – have already achieved important results.”

Attorney General Holder told the Committee that “[o]ver the last eight months, the USMS has deployed an additional 94 Deputy U.S. Marshals to district offices and will be sending four additional deputies to assist the Mexico City Field Office in order to step-up efforts along the Southwest Border. In addition, within the last three months, four new Criminal Investigators have been placed in the asset forfeiture field units along the Southwest Border. These new positions will support U.S. Attorneys’ Offices and investigative agencies in the investigation of cartels and other large-scale investigations.” He said that “[t]he Department’s efforts to target the Mexican cartels will allow it to commit 100 ATF personnel to the U.S. Southwest border to supplement our ongoing Project Gunrunner. DEA will add 16 new positions on the border, as well as four newly reconstituted Mobile Enforcement Teams, and the FBI is creating a new intelligence group that will focus on gang/drug criminal enterprises, public corruption, kidnapping, extortion and other investigative matters related to the Southwest Border. DHS is making similar commitments regarding southwest border resources.

In addition, the Attorney General noted that he has “had a series of meetings with Secretary Napolitano to discuss increased coordination on various matters between the Department of Justice and DHS.”

Q&A Session. Several immigration-related questions were asked of the Attorney General during the question-and-answer session at last week’s hearing. This included questions on:

- [287\(g\) Programs](#)
- [Board of Immigration Appeals Streamlining](#)
- [Funding for Immigration Judges](#)
- [Racial Profiling in Immigration Enforcement Actions](#)
- [Right to Effective Assistance to Counsel](#)
- [Sanctuary Cities](#)

The following summarizes the question and answer session that took place between Committee Members and Attorney General Holder at last week’s hearing:

- [287\(g\) Programs.](#) House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law Chairwoman Zoe Lofgren (D-CA)

noted that the Department of Justice is currently investigating allegations that Maricopa County, Arizona Sheriff has committed civil rights violations in carrying out his 287(g) program. She asked the Attorney General what resources the Department needs to make sure that serious civil rights violation allegations are pursued relative to the 287(g) program.

Attorney General Holder did not address the situation in Maricopa County, Arizona or 287(g) programs, specifically, but he said that the Administration has asked for a substantial increase in funding for the Civil Rights Division of the Department of Justice to deal with issues such as the 287(g).

- [Board of Immigration Appeals Streamlining.](#) Chairwoman Lofgren noted that Attorney General Ashcroft purged the Board of Immigration Appeals (BIA) of ten members and changed the way BIA handled cases in what she called his “so-called streamlining.” She said that as a result, the circuit courts have been flooded with appeals and is unhappy about it. She asked the Attorney General if he would revisit the “so-called streamlining.”

Attorney General Holder responded that his chief of staff is the person who used to run that part of the Department and that, “in combination with him and others who are familiar with the needs of that part of the Department we want to make that they are adequately funded, that there are sufficient numbers of judges, and that they are allowed to do the kind of job that we want them to do. That is certainly something that we’ll be looking at.”

- [Funding for Immigration Judges.](#) Chairwoman noted that the Administration’s fiscal year 2010 budget submission has requested an increase in spending of \$14 MILLION for 28 additional immigration judge teams. She noted the high caseload that immigration judges face and that the Chief Judge for the second circuit has called for the doubling of immigration judges. She asked if the Administration is planning to ask for enough funds to more dramatically increase the number of immigration judges within the Department.

Attorney General Holder said that the Department will have to look at the situation and determine whether or not additional judges beyond its fiscal year 2010 request are needed. He said that the Administration may need to give more resources for that purpose in its next budget. But he was noncommittal about whether that would be the case.

- [Racial Profiling in Immigration Enforcement Actions.](#) Representative Dan Maffei (D-NY) asked the Attorney General about allegations of racial profiling at immigration raids. He specifically asked about reports

that ICE agents are boarding buses and questioning and detaining people who look Hispanic.

Attorney General Holder responded that he was not aware of the specific procedures that the Congressman spoke of but said that there is clearly a need for vigilance in that area, as well as a need for coordination between DOJ and DHS on enforcement actions. He said that “[t]oo frequently in the past, DHS has done things without regard to the impact it has on Justice Department resources. The Justice Department has not maybe communicated as well with DHS as it should have.” He said that Secretary Napolitano and he have tried to sit down and talk about a whole variety of immigration issues, including worksite enforcement and how ICE conducts itself. He said that “I think that we are going to be in a better place.” He said that the concerns that the Congressman raised about the procedures he mentioned are very legitimate and inappropriate. He said such procedures that the Congressman mentioned are not the policy of the Obama Administration.

- Right to Effective Assistance to Counsel in Immigration Cases. Chairwoman Lofgren asked the Attorney General when the Department of Justice will implement the opinion that the Attorney General revealed during his confirmation process that Attorney General Michael Mukasey’s January, 2009 decision that persons in immigration proceedings are not entitled to effective assistance of counsel was a wrong decision.

Attorney General Holder said that the Administration is currently looking at the Mukasey decision and that “within a matter of a very, very short time I will be issuing the decision that I’ve made with regard to what we ought to be doing in that regard.”

- Sanctuary Cities. Representative Bob Goodlatte (R-VA) asked the Attorney General if the Administration was committed to enforcing section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and stopping cities from restricting local law enforcement officers from communicating immigration status information of individuals with the Department of Homeland Security.

Attorney General Holder responded, saying that the “the immigration problem is one that we have to look at holistically.” He said that “we have substantial number of people who are in the country in an undocumented basis because we haven’t come up with a policy that really deals with border security and then deals with what the status is of the people who are here.”

When pressed, the Attorney General said that “the responsibility that I have as the chief law enforcement officer in this country is to enforce all of the laws that are on the books and that is obviously what we will do. But

I do think one has to look at this immigration problem in its totality. It is incumbent on us as a nation to try to deal with all of the issues that make up the immigration issues...” When pressed further, Attorney General Holder said, he “would do what I can to ensure that federal laws are, in fact, enforced and to use the resources that we have to do that.”

The Attorney General said that concerns about civil rights violations in immigration enforcement actions should be directed to both the Department of Justice and the Department of Homeland Security. ☼

Last Week’s Markups

Two markups were held last week having implications for immigration- or refugee-related matters:

- Fiscal Year 2009 War Supplemental.
 1. The Senate Appropriations Subcommittee on State, Foreign Operations, and Related Agencies conducted a markup of its portion of the Senate version of the fiscal year 2009 war supplemental appropriations bill; and
 2. The Senate Committee on Appropriations conducted a markup of the Senate version of the fiscal year 2009 war supplemental appropriations bill.

Senate Appropriations Panel Approves Increased Refugee Funding in FY ’09 War Supplemental:

The Senate Appropriations Subcommittee on State, Foreign Operations, and Related Agencies last week approved its portion of a fiscal year 2009 war supplemental appropriations bill, approving \$6.9 BILLION in supplemental fiscal year 2009 funding for the Department of State and related agencies, an amount that is \$3.1 BILLION less than the amount in the House-passed version of the measure. Included in the Subcommittee-approved measure is \$345 MILLION in Migration and Refugee Assistance, \$245 MILLION in International Disaster Assistance (IDA), and \$50 MILLION in Economic Support Fund funding for internally displaced persons (IPDs) in Pakistan. The Subcommittee approved its portion of the measure on Tuesday, May 12, 2009, by a voice vote.

Next Steps. Last week’s Subcommittee markup of the fiscal year 2009 war supplemental appropriations bill was followed two days later by a markup in the full Senate Committee on appropriations of the measure. The full Committee included the product that was produced by the Subcommittee into the bill that it took up, ordering that the larger measure be reported to the full Senate, which is expected to take it up next week. ☼

Senate Appropriations Committee Approves Increased Refugee Funding in FY '09 War Supplemental:

The full Senate Committee on Appropriations last week approved a fiscal year 2009 war supplemental appropriations bill, readying it for consideration by the full Senate. As approved by the Committee, the measure would appropriate \$91.3 BILLION in supplemental fiscal year 2009 funds, including \$345 MILLION in Migration and Refugee Assistance; \$82 MILLION for the Office of Refugee Resettlement for the care and placement of unaccompanied alien children; \$245 MILLION in International Disaster Assistance (IDA); and \$50 MILLION in Economic Support Fund (ESF) funding for internally displaced persons (IPDs) in Pakistan. Last week's Committee action occurred on Thursday, May 14, 2009, in connection with [S. 1054](#), the Supplemental Appropriations Act, 2009.⁵⁴⁷ The Committee approved the measure by a vote of 30-0.

President's Submission. President Obama submitted an \$83.4 BILLION request for supplemental fiscal year 2009 funding for the wars in Iraq and Afghanistan on April 9, 2009. Included in the submission was a request for \$293 MILLION in funding for the Department of State's Migration and Refugee Assistance (MRA) account and additional assistance to internally displaced persons. The President's proposal, as well, contains a request that the Department of Defense be permitted to transfer up to \$100 MILLION to other federal agencies for border-related activities. It was widely believed that this \$100 MILLION was intended to be transferred to the Department of Health and Human Services Office of Refugee Resettlement (ORR) to deal with expected increased costs for the care of unaccompanied alien children and trafficking victims.

Summary of Immigration- and Refugee-Related Provisions. As approved by the Senate Committee on Appropriations, the measure contains the following immigration- and refugee-related provisions:

- **Overseas Refugee Assistance and Refugee Resettlement.** The Senate Appropriations Committee report accompanying the Senate Appropriations Committee-approved version of S. 1054 recommends an appropriation of \$345 MILLION for the Department of State's Migration and Refugee Assistance (MRA) account. The report notes that the amount contained in the bill is \$52 MILLION more than the Administration requested and \$2 MILLION more than is contained in the House-passed version of S. 2346. The Senate committee report directs that the supplemental MRA funds be used "for the assistance and resettlement needs of refugees and internally displaced persons [IDPs]." The Committee report, further, directs that "[o]f this amount, the Committee recommends \$25,000,000 for

returning refugees and IDPs in Afghanistan, \$25,000,000 for such needs in Africa, \$5,000,000 for refugees from Burma, \$15,000,000 for IDPs in Sri Lanka, and \$5,000,000 for IDPs in Colombia."

The House-passed measure would appropriate \$343 MILLION for Migration and Refugee Assistance (MRA), to remain available until expended. This would constitute an increase of \$50 MILLION above the Administration's request of \$293 MILLION for MRA.

The report accompanying H.R. 2346 indicates that the funds provided "are necessary to respond to urgent humanitarian requirements to assist refugees and internally displaced persons in Iraq, Jordan, Syria, the West Bank and Gaza, Lebanon, Afghanistan, Pakistan, Africa, and Burmese refugees Asia." The report went on to state that funds "also will help respond to urgent food pipeline breaks in refugee feeding operations, particularly in Africa." Unlike the Senate committee report, the House committee report did not specify that any of the funds be used for refugee resettlement.

The House committee report spent a considerable amount of space expressing concerns about the United Nations Relief and Works Agency (UNRWA) and whether it was "taking all possible steps to prevent its funds from supporting terrorists and other extremists, particularly in the West Bank and Gaza, and is operating in an open and transparent manner." The bill contains two provisions that seek to ensure that UNRWA makes progress in efforts to prevent that from occurring. The first of these, 21004(a), would limit to \$119 MILLION the amount of funding provided in the bill that can be made available to UNRWA for activities in the West Bank and Gaza. Section 21004(b) would require that the Secretary of State prepare and submit to the Committees on Appropriations an accountability report on UNRWA.

According to materials prepared by the Administration at the time that it submitted its supplemental appropriations request to Congress, the funds it requested "would provide \$293 million for Migration and Refugee Assistance. The request includes: \$108 million for basic social services to Iraqi refugees, internally displaced persons and conflict victims; \$25 million for assistance to Palestinian refugees in Lebanon and \$125 million to support emergency humanitarian needs in Gaza and the West Bank; \$7 million to address humanitarian needs in South Asia, including Afghanistan and Pakistan; \$15 million to address displacement and humanitarian needs related to violence in the Democratic Republic of Congo; \$10 million to respond to food pipeline breaks in Africa; and \$3 million to assist Burmese refugees."⁵⁴⁸

⁵⁴⁷ [S. Rept. 111-20](#), May 14, 2009

⁵⁴⁸ *Page 81 of the Supplemental appropriations request*

- Funding for the Office of Refugee Resettlement. The Senate Appropriations Committee-approved version of S. 1054 would appropriate \$82 MILLION in Refugee and Entrant Assistance for the Office of Refugee Resettlement. The Committee report accompanying the measure directs that the funds be used “used for the care and custody of unaccompanied alien children. These funds will allow the Office of Refugee Resettlement [ORR] to implement the provisions of Public Law 110–457, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.” The Committee report noted that “[t]he President requested these funds in the Department of Defense along with language providing transfer authority to other Federal agencies.”⁵⁴⁹

The House-passed version of H.R. 2634 did not contain a comparable provision. However, the House-passed bill would give the Department of Defense to transfer up to \$100 MILLION for that purpose.

- ESF Funds for Refugees and Internally Displaced Persons. The Senate-passed version of S. 1054 would appropriate \$2.828 BILLION for Economic Support Fund (ESF) funding. This would be \$76.5 MILLION below the Administration’s request and \$247 MILLION below the amount contained in the House-passed version of H.R. 2346.

The Senate Appropriations Committee report accompanying the Senate Appropriations Committee-approved version of S. 1054 contains a number of directives relating to the use of ESF funds for refugees and internally displaced persons. Among these are the following:

1. Jordan. The Committee report accompanying S. 1054 recommends \$150 MILLION in Economic Support Fund (ESF) funding for Jordan. The report directs that the funds be used “to help mitigate the impact of the global economic crisis, including for health, education, water and sanitation, and other assistance for Iraqi and other refugees in Jordan, and are in addition to funds otherwise made available for assistance for Jordan in other acts.”⁵⁵⁰
2. Columbia. S. 1054 requires that \$3.5 MILLION of ESF funds that are intended for Columbia be transferred to the Department of State’s Migration and Refugee Assistance (MRA) account and may be made available “only for assistance to nongovernmental organizations that provide

emergency relief aid to Colombian refugees in neighboring countries.”⁵⁵¹

There was no comparable language in the House committee report.

3. Pakistan. The Committee report accompanying S. 1054 provides \$50 MILLION “for humanitarian assistance for internally displaced persons whose numbers have increased sharply in recent months due to the Taliban’s advances.”⁵⁵²

The Committee report accompanying the House-passed version of H.R. 2346 would set aside “\$8 MILLION for humanitarian assistance for internally displaced populations (IDPs) escaping violence particularly in the Federally Administered Tribal Areas and the North-West Frontier Province of Pakistan.”⁵⁵³

The committee report accompanying the House-passed version of H.R. 2346 contains language that is not included in the Senate committee report directing the Administration to use ESF funds for other refugee or IDP populations. These House mandates that are not found in the Senate bill include directives to spend \$3 MILLION for Burmese refugees, migrants in Thailand, and internally displaced persons; use ESF funds to assist Iraqi Christians, religious minorities in Iraq, and other displaced and refugee populations in Iraq; use ESF funds to assist and refugees on the West Bank and Gaza; and provide funds for IDPs in Georgia.

- International Disaster Assistance. S. 1054 would appropriate \$245 MILLION for International Disaster Assistance (IDA), which is \$45 MILLION more than the Administration requested and is found in the House-passed version of H.R. 2346. The Committee report accompanying S. 1054 directs that the funds be used “to meet basic needs of internally displaced persons in Africa, the Middle East, and South and Central Asia, and to respond to other humanitarian crises.”⁵⁵⁴

The House-passed measure would appropriate \$200 MILLION for International Disaster Assistance (IDA), which is the same amount requested by the Administration.

⁵⁴⁹ [S. Rept. 111-20, Page 69](#)

⁵⁵⁰ [S. Rept. 111-20, Page 87](#)

⁵⁵¹ [S. Rept. 111-20, Page 126](#)

⁵⁵² [S. Rept. 111-20, Page 87](#)

⁵⁵³ [Page 84 of the Supplemental appropriations request](#)

⁵⁵⁴ [S. Rept. 111-20, Page 82](#)

The committee report accompanying H.R. 2346 indicates that the funds “are needed to respond to increased insecurity, armed conflict, and weather complications in Africa, including Somalia, Ethiopia, the Democratic Republic of the Congo, and Zimbabwe.” The report went on to state that funds “also will help address growing needs in the Middle East, and Central and South Asia, particularly Pakistan, Tajikistan, and Kyrgyzstan.”

According to materials prepared by the Administration at the time that it submitted its supplemental appropriations request to Congress, a portion of the funds it requested for IDA would be used to “help to address increases in internally displaced persons in Pakistan.”⁵⁵⁵

Summary of Immigration and Refugee Provisions in the President’s Request. The following summarizes the specific immigration- and refugee-related spending found in the President’s request:

- Overseas Refugee Assistance. The Administration requested \$293 MILLION in supplemental funds for the Department of State’s Migration and Refugee Assistance account, which the Administration has requested Congress make available until expended.

According to the Administration request, the funds it is requesting “would provide \$293 million for Migration and Refugee Assistance. The request includes: \$108 million for basic social services to Iraqi refugees, internally displaced persons and conflict victims; \$25 million for assistance to Palestinian refugees in Lebanon and \$125 million to support emergency humanitarian needs in Gaza and the West Bank; \$7 million to address humanitarian needs in South Asia, including Afghanistan and Pakistan; \$15 million to address displacement and humanitarian needs related to violence in the Democratic Republic of Congo; \$10 million to respond to food pipeline breaks in Africa; and \$3 million to assist Burmese refugees.”⁵⁵⁶

- ESF Funds for Internally-Displaced Persons in Pakistan. The Administration requested \$2.875 BILLION in Economic Support Funds (ESF), \$429.5 MILLION of which it intends to give to the government of Pakistan. Of that amount, the Administration has identified “\$8 MILLION for humanitarian assistance for internally displaced populations (IDPs) escaping violence particularly in the Federally Administered Tribal Areas and the North-West Frontier Province of Pakistan.”⁵⁵⁷

- Funds for Internally-Displaced Persons in Georgia. The Administration requested \$242.5 MILLION for “Assistance for Europe, Eurasia and Central Asia”, to remain available through fiscal year 2010. It proposes to set aside “\$68.5 million of the request for meeting the critical needs of internally displaced persons.”⁵⁵⁸
- International Disaster Assistance. The Administration requested \$200 MILLION for International Disaster Assistance “to address needs arising in Africa and elsewhere.” The Administration has requested that these funds remain available until expended. The Administration explained in its request that it expects a portion of these funds would be used to “help to address increases in internally displaced persons in Pakistan.”⁵⁵⁹
- Other Immigration- or Refugee-Related Funding. The Administration requested \$350 MILLION for the Department of Defense, to remain available through September 30, 2010, “for counternarcotics and other activities including assistance to other Federal agencies, on the United States’ border with Mexico.”

This request sought authorization for the Department of Defense to transfer up to \$100 MILLION of these funds to “any other Federal appropriations accounts, with the concurrence of the head of the relevant Federal department or agency for border-related activities.” It provides, further, that any such funds that are transferred are to be “merged with and be available for the same purposes and the same time period, as the appropriation to which transferred.” Finally, this request provides that “upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation, to be merged with and made available for the same purposes and for the time period provided under this heading.”⁵⁶⁰

Next Steps. Now that the Senate Committee on Appropriations has approved S. 1054, the next step in the legislative process is for the full Senate to take up the measure. The Senate is expected to take up S. 1054 on or after Tuesday, May 19, 2009. ☼

Last Week’s Floor Actions

House or Senate floor action occurred last week on four items having implications for immigration- or refugee-related matters or policy:

⁵⁵⁵ Page 91 of the Supplemental appropriations request

⁵⁵⁶ Page 81 of the Supplemental appropriations request

⁵⁵⁷ Page 84 of the Supplemental appropriations request

⁵⁵⁸ Page 90 of the Supplemental appropriations request

⁵⁵⁹ Page 91 of the Supplemental appropriations request

⁵⁶⁰ Page 17 of the Supplemental appropriations request

- Fiscal Year 2009 War Supplemental. The full House of Representatives passed its version of the fiscal year 2009 war supplemental appropriations bill;
- Use of Civil Air Patrol in Border Enforcement. The full House of Representatives passed a measure to assess the usefulness of the Civil Air Patrol in border enforcement activities;
- Illegal Immigrants' Access to Credit Cards. The full Senate rejected an amendment to the Credit Card Bill of Rights legislation that sought to block illegal immigrants from obtaining credit cards in the United States; and
- Nomination of John Morton to Head Immigration and Customs Enforcement. The Senate confirmed the nomination of John T. Morton to be Assistant Secretary of Homeland Security for Immigration and Customs Enforcement.

House Passes Fiscal Year 2009 War Supplemental Appropriations Bill:

The full House of Representatives last week passed a measure making supplemental fiscal year 2009 appropriations for the wars in Iraq and Afghanistan. Among its many provisions, the House-passed measure would appropriate \$343 MILLION for the Department of State's Migration and Refugee Assistance (MRA), \$200 MILLION for International Development Assistance (IDA); and millions of dollars more in directed funding for assistance to internally placed persons. Last week's House floor action occurred on Thursday, May 14, 2009, in connection with [H.R. 2346](#), the "Supplemental Appropriations Act, 2009".⁵⁶¹ The House passed the measure by a vote of 368-60.⁵⁶²

Legislative History. President Barack Obama submitted an \$83.4 BILLION request for supplemental fiscal year 2009 funding for the wars in Iraq and Afghanistan on April 9, 2009.⁵⁶³ He amended his request on April 28, 2009, to request an additional \$1.5 BILLION in connection with the swine flu outbreak⁵⁶⁴, bringing his total supplemental

appropriations request to \$84.9 BILLION. The House Committee on Appropriations held a markup session on May 12, 2009, ordering the measure reported to the full House of Representatives by a voice vote. The measure was formally reported to the House on May 12, 2009.

Summary of Immigration- and Refugee-Related Provisions. As passed by the House, H.R. 2346 contains the following immigration- and refugee-related provisions:

- Overseas Refugee Assistance. The House-passed measure would appropriate \$343 MILLION for Migration and Refugee Assistance (MRA), to remain available until expended. This would be an increase of \$50 MILLION above the Administration's request of \$293 MILLION for MRA.

The report accompanying H.R. 2346 says that the funds "are necessary to respond to urgent humanitarian requirements to assist refugees and internally displaced persons in Iraq, Jordan, Syria, the West Bank and Gaza, Lebanon, Afghanistan, Pakistan, Africa, and Burmese refugees Asia." The report went on to state that funds "also will help respond to urgent food pipeline breaks in refugee feeding operations, particularly in Africa."

The committee report spent a considerable amount of space expressing concerns about the United Nations Relief and Works Agency (UNRWA) and whether it was "taking all possible steps to prevent its funds from supporting terrorists and other extremists, particularly in the West Bank and Gaza, and is operating in an open and transparent manner." The bill contains two provisions that seek to ensure that UNRWA makes progress in efforts to prevent that from occurring. The first of these, 21004(a), would limit to \$119 MILLION the amount of funding provided in the bill that can be made available to UNRWA for activities in the West Bank and Gaza. Section 21004(b) would require that the Secretary of State prepare and submit to the Committees on Appropriations an accountability report on UNRWA.

According to materials prepared by the Administration at the time that it submitted its supplemental appropriations request to Congress, the funds it requested "would provide \$293 million for Migration and Refugee Assistance. The request includes: \$108 million for basic social services to Iraqi refugees, internally displaced persons and conflict victims; \$25 million for assistance to Palestinian refugees in Lebanon and \$125 million to support emergency humanitarian needs in Gaza and the West Bank; \$7 million to address humanitarian needs in South Asia, including Afghanistan and Pakistan; \$15 million to address displacement and humanitarian needs related to violence in the Democratic Republic of Congo;

⁵⁶¹ [H. Rept. 111-105](#), May 12, 2009

⁵⁶² [House Roll Call No. 265](#), May 14, 2009

⁵⁶³ [Click Here](#) to see the April 8, 2009, letter from President Barack Obama to Speaker of the House Nancy Pelosi (D-CA) in which he formally requested that Congress appropriate \$83.4 BILLION in supplemental fiscal year 2009 funds for the wars in Iraq and Afghanistan

⁵⁶⁴ [Click Here](#) to see the April 28, 2009, letter from President Barack Obama to Speaker of the House Nancy Pelosi (D-CA) in which he increased the Administration's fiscal year 2009 supplemental appropriations request by \$1.5 BILLION in order to deal with an outbreak of swine flu in the United States

\$10 million to respond to food pipeline breaks in Africa; and \$3 million to assist Burmese refugees.”⁵⁶⁵

- ESF Funds for Internally-Displaced Persons. The House-passed measure would appropriate \$3.3075 BILLION for Economic Support Fund (ESF) funding. This would be an increase of \$433 MILLION above the Administration’s request of \$2.875 BILLION for ESF.⁵⁶⁶

The report accompanying H.R. 2346 indicates that a portion of the measure’s ESF funds are intended, specifically, to assist refugees or internally displace persons. For instance, the committee report sets aside—

1. \$3 MILLION of \$13 MILLION in Burmese ESF funds “to stabilize funding for humanitarian activities for Burmese refugees, migrants in Thailand, and internally displaced persons.”
 2. \$449 MILLION for Iraq, while noting the Committee’s “concern about the plight of women and religious minorities, particularly Iraqi Christians, amongst displaced and refugee populations.” The Committee report “urges that programs of support for displaced and refugee populations take into account the needs of religious minorities.”
 3. \$556 MILLION for the West Bank and Gaza.
- Funds for Internally-Displaced Persons in Georgia. The House-passed measure would appropriate \$242.5 MILLION for “Assistance for Europe, Eurasia and Central Asia.” This is the same amount requested by the Administration.

The Administration’s request would have set aside \$68.5 MILLION of the request for meeting the critical needs of internally displaced persons.”⁵⁶⁷ The Committee report accompanying the supplemental appropriation bill was silent on that matter.

- International Disaster Assistance. The House-passed measure would appropriate \$200 MILLION for International Disaster Assistance (IDA), which is the same amount requested by the Administration.

The report accompanying H.R. 2346 indicates that the funds “are needed to respond to increased insecurity, armed conflict, and weather complications in Africa,

including Somalia, Ethiopia, the Democratic Republic of the Congo, and Zimbabwe.” The report went on to state that funds “also will help address growing needs in the Middle East, and Central and South Asia, particularly Pakistan, Tajikistan, and Kyrgyzstan.”

According to materials prepared by the Administration at the time that it submitted its supplemental appropriations request to Congress, a portion of the funds it requested for IDA would be used to “help to address increases in internally displaced persons in Pakistan.”⁵⁶⁸

- Other Immigration- or Refugee-Related Funding. As requested by the Administration,⁵⁶⁹ the House-passed measure contains a provision under the header, “Operation and Maintenance, Defense-Wide”, that would provide \$350 MILLION for the Department of Defense, to remain available through September 30, 2010, “for counternarcotics and other activities including assistance to other Federal agencies, on the United States’ border with Mexico.”

The provision would authorize the Department of Defense to transfer up to \$100 MILLION of these funds to “any other Federal appropriations accounts, with the concurrence of the head of the relevant Federal department or agency for border-related activities.” It provides, further, that any such funds that are transferred are to be “merged with and be available for the same purposes and the same time period, as the appropriation to which transferred.” Finally, this provision provides that “upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation, to be merged with and made available for the same purposes and for the time period provided under this heading.”

The \$100 MILLION in transfer authority provided in this portion of H.R. 2346 has been described by some House and Senate staffers as a “silent” set aside for the Department of Health and Human Services Office of Refugee Resettlement (ORR) to help it fulfill its new and enhanced responsibilities emanating from [P.L. 110-457](#), the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

Floor Consideration. The House took up H.R. 2346 under procedures that precluded Members from offering any amendments to it.

Next Steps. Now that the House of Representatives has passed H.R. 2346, the next step in the legislative process is

⁵⁶⁵ Page 81 of the Supplemental appropriations request

⁵⁶⁶ Page 84 of the Supplemental appropriations request

⁵⁶⁷ Page 90 of the Supplemental appropriations request

⁵⁶⁸ Page 91 of the Supplemental appropriations request

⁵⁶⁹ Page 17 of the Supplemental appropriations request

for the Senate to take up the measure. The Senate Committee on Appropriations approved its version of H.R. 2346 on Thursday, May 14, 2009. The full Senate is expected to take up the measure this week. ☀

House Passes Bill to Assess the Use of the Civil Air Patrol in Border Enforcement: The full House of Representatives last week passed a measure directing the Government Accountability Office (GAO) to study and report to the Secretary of Homeland Security and specified congressional committees on the functions and capabilities of the Civil Air Patrol to support the homeland security missions of state, local, and tribal governments and the Department of Homeland Security (DHS). Last week's House action occurred on Tuesday, May 12, 2009, in connection with [H.R. 1178](#). The House passed the measure by a voice vote.⁵⁷⁰

Legislative History. H.R. 1178 was introduced on February 25, 2009, by Representative Charlie Dent (R-PA). It was referred to the House Committee on Transportation and Infrastructure and House Committee on Homeland Security. The Transportation Committee reported the measure to the full House of Representatives on May 4, 2009.⁵⁷¹

Summary of Immigration-Related Provisions. As reported by the House Committee on Transportation and Infrastructure, H.R. 1178 would—

- **Study and Report.** direct the Comptroller General of the United States to study and report to the Secretary of Homeland Security and specified congressional committees on the functions and capabilities of the Civil Air Patrol to support the homeland security missions of state, local, and tribal governments and the Department of Homeland Security (DHS).
- **Support for Homeland Security Missions.** require the Comptroller General to review the process by which the Civil Air Patrol may provide assistance to the Secretary, other federal agencies, and states to support homeland security missions, including by providing: (1) aerial reconnaissance or communications capabilities for border security; (2) capabilities for collective response to an act of terrorism, natural disaster, or other man-made event by assisting in damage assessment and situational awareness, conducting search and rescue operations, assisting in evacuations, or transporting time-sensitive medical or other materials; or (3) assistance in the exercise and training of departmental resources responsible for the intercept of aviation threats to designated restricted areas.

- **Use of CAP Assets.** direct the Comptroller General's report to include assessments of: (1) the feasibility and cost-effectiveness of using Civil Air Patrol assets; and (2) whether current mechanisms for requesting support from the Civil Air Patrol are sufficient.
- **Impact on DHS Organization and Administration.** require the Secretary to analyze the study and submit a report, including recommendations for action that could affect DHS's organization and administration.

Floor Consideration. The House of Representatives took up H.R. 1178 on Tuesday, May 12, 2009. It was considered under a process known as "suspension of the rules", which limits debate to 40 minutes, equally divided by the majority and minority; precludes floor amendments; and requires the affirmative votes of two-thirds of the Members present and voting in order for a measure to be passed or agreed to.

The House debated H.R. 1178 for less than ten minutes. It was floor managed by Representative Timothy J. Walz (D-MN) for the majority and by Representative Charlie Dent (R-PA) for the minority. Both Members supported the measure.

Members who spoke in favor of H.R. 1178 were:

- Representative Tim Walz (D-MN)
- Representative Charlie Dent (R-PA)
- Representative Thomas Petri (R-WI)

No Members spoke against the measure.

Next Steps. Now that the House of Representatives has passed H.R. 1178, the next step in the legislative process is its consideration by the Senate. The measure has been received in the Senate and was referred to the Senate Committee on Homeland Security and Governmental Affairs. ☀

Senate Rejects Attempt to Block Illegal Immigrants' Access to Credit Cards: The full Senate last week rejected an amendment to a credit card holders bill of rights measure that sought to prevent illegal immigrants from obtaining credit cards in the United States. Last week's Senate floor action occurred on Wednesday, May 13, 2009, in connection with an amendment offered by Senator David Vitter (R-OK) to [H.R. 627](#), the "Credit Cardholders' Bill of Rights Act of 2009". The Senate rejected the Vitter amendment by a vote of 28-65.⁵⁷² While the Senate disposed of the Vitter amendment, at week's end, the underlying measure was still pending in the Senate.

As passed by the House, H.R. 627 would establish a number of rights for credit card holders and place a number of

⁵⁷⁰ [Click Here](#) to see video of the House floor debate on H.R. 1178

⁵⁷¹ [H. Rept. 111-93, Part I, May 4, 2009](#)

⁵⁷² [Senate Roll Call No. 190, May 13, 2009](#)

restrictions on issuing companies. It does not contain any provisions restricting noncitizens' access to credit cards.

Senate Floor Consideration. During the Senate's consideration of H.R. 627, Senator David Vitter (R-OK) offered Senate Amendment No. 1066, which would have required the Federal Deposit Insurance Corporation (FDIC) to issue regulations to ensure that credit cards are only issued to persons who are in the United States legally. The amendment would have accomplished by requiring that credit card applicants present particular forms of identification upon applying for a credit card. More specifically, the amendment would have required financial institutions to do the following:

- Verify Identity. verify the identity of any person seeking a credit card account through one of four acceptable forms of identification, including a social security card, a driver's license issued by a state in compliance with the Real ID Act, a passport, or a photo ID card issued by the Department of Homeland Security;
- Maintain Records. maintain records of the information used to verify the customer's identity; and
- Consult Terrorist Lists. consult lists of known or suspected terrorists or terrorist organizations provided by the appropriate government agency.

The Senate rejected Vitter Amendment No. 1066 on May 13, 2009, by a vote of 28-65.⁵⁷³

Next Steps. The Senate is expected to complete consideration of H.R. 627 early this week. President Obama has asked Congress to send the bill to him before Congress leaves for its week-long Memorial Day recess. ☼

Senate Confirms Morton to Head Department of Homeland Security's Immigration and Customs Enforcement Bureau: The Senate last week confirmed the nomination of John T. Morton to be Assistant Secretary of Homeland Security for Immigration and Customs Enforcement (ICE). The Senate acted on the nomination on Tuesday, May 12, 2009, approving it by unanimous consent without debate.

The Senate Committee on Homeland Security and Governmental Affairs approved Mr. Morton's nomination by a voice vote on Monday, April 27, 2009. The Committee held a hearing on the Morton nomination on Wednesday, April 22, 2009.⁵⁷⁴ ☼ ◇

⁵⁷³ [Click Here](#) to see video of the Senate floor debate on the Vitter amendment to H.R. 627 to bar illegal immigrants from obtaining credit cards in the United States

⁵⁷⁴ See Page 441 of the [May 4, 2009, edition of the Weekly Legislative Update](#) for detail on the Senate Committee on Homeland Security and Governmental Affairs Committee markup during which

Last Week's Executive Activity

Apart from Administration witnesses who testified on Capitol Hill, there were no significant immigration- or refugee-related developments within the Administration last week impacting immigration- or refugee-related legislation. ◇

Recently Introduced Legislation

The following bills containing significant immigration- or refugee-related provisions were introduced last week:

House

Citizenship & Naturalization

- **Proud to Be an American Citizen Act:** Representative Sam Farr (D-CA) has introduced [H.R. 2363](#), a bill to require the Secretary of Homeland Security to provide for ceremonies on or near Independence Day for administering oaths of allegiance to legal immigrants whose applications for naturalization have been approved. As introduced, H.R. 2363 would require the Secretary of Homeland Security to provide for ceremonies on or near Independence Day for administering oaths of allegiance to legal immigrants whose applications for naturalization have been approved.

It has been referred to the House Committee on the Judiciary.

Student Visas

- **Require Accreditation for English Language Program:** Representative Barney Frank (D-MA) has introduced [H.R. 2361](#), a bill to require the accreditation of English language training programs, and for other purposes.

As introduced, H.R. 2361 would require that English language training programs be accredited by an accreditation agency recognized by the Department of Education in order for it to be a program eligible for students seeking admission to the United States as nonimmigrants.

It has been referred to the House Committee on the Judiciary.

it approved the nomination of John T. Morton to head the Immigration and Customs Enforcement bureau. See Pages 400-404 of the [April 27, 2009, edition of the Weekly Legislative Update](#) for a detailed write-up of the April 22, 2009, Senate Homeland Security and Governmental Affairs confirmation hearing on the Morton nomination.

Family-Based Immigration System

- **Filipino Veterans Family Reunification Act:** Representative Mazie K. Hirono (D-HI) has introduced [H.R. 2412](#), a bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

As introduced, H.R. 2412 would A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

It has been referred to the House Committee on the Judiciary.

Refugee Assistance

- **Supplemental Appropriations Act, Fiscal Year 2009:** House Appropriations Committee Chairman David Obey (D-WI) has introduced H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

As passed by the House, H.R. 2346 would appropriate \$96.1 BILLION in supplemental fiscal year 2009 funds for the wars in Iraq and Afghanistan, as well as for other purposes. Among its many provisions, the House-passed measure would appropriate \$343 MILLION for the Department of State's Migration and Refugee Assistance (MRA), \$200 MILLION for International Development Assistance (IDA); and millions of dollars more in directed funding for assistance to internally placed persons.

Senate

Refugee Assistance

- **Supplemental Appropriations Act, Fiscal Year 2009:** Senator Daniel K. Inouye (D-HI) has introduced [S. 1054](#), an original bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

As reported by the Senate Committee on Appropriations, S. 1054 would appropriate \$91.3 BILLION in supplemental fiscal year 2009 funds, including \$345 MILLION in Migration and Refugee Assistance, \$82 MILLION for the Office of Refugee Resettlement for the care and placement of unaccompanied alien children; \$245 MILLION in International Disaster Assistance (IDA), and \$50 MILLION in Economic Support Fund funding for internally displaced persons (IPDs) in Pakistan. ◇

Bills in Development

The following is a listing of immigration- or refugee-related bills that are currently under development and that could soon be introduced in the Senate or House of Representatives. Items that were added or that have substantially changed since the previous edition of the Weekly Legislative Update was issued are marked with a double asterisk (**).

House

Foreign Assistance Reform: House Foreign Affairs Committee Chairman Howard L. Berman (D-CA) is reportedly working on a much slimmed down version of a foreign assistance reform bill that he may introduce in the House of Representatives as early as this week. According to Congressional Quarterly (CQ), Chairman Berman has set aside for the moment plans to introduce a comprehensive re-write of the Foreign Assistance Act of 1961, as it has been amended over the years. CQ reports that, instead, he will introduce legislation as soon as this week that would direct the Obama administration to create a global development strategy. The CQ report says that the Chairman will introduce a more complete re-write of the Foreign Assistance Act later this year.

Secure American through Verification and Enforcement Act: Representative Heath Shuler (D-NC) is planning to introduce a new version of [H.R. 4088](#), the "Secure America Through Verification and Enforcement Act of 2007" or "SAVE Act", which he introduced in the 110th Congress. The measure was strongly supported during the 110th Congress by the immigration restrictionist advocacy community and vociferously opposed by the pro-immigrant advocacy community. It generated 157 House cosponsors and was the object of a discharge petition that secured 190 signatures.⁵⁷⁵

Family-Based Immigration Backlogs:

Representative Mike Honda (D-CA) is working on legislation that would re-order the family preference immigration system and eliminate backlogs in family preference visas. The bill is reportedly based on [H.R. 6638](#), the "Reuniting Families Act", which he introduced in the 110th Congress. Reports indicate that Representative Honda is nearing the final stages of production on the bill and could introduced it soon.

Senate

REAL ID Act Mitigation Bill: A bipartisan group of senators is reportedly working on legislation that would repeal some of the mandates on states contained in the REAL

⁵⁷⁵ See Pages 409-410 of the [April 27, 2009, edition of the Weekly Legislative Update](#) for a more detailed description of the immigration-related provisions in the 110th Congress' H.R. 4088

ID Act and replace them with a set of provisions that governors and state legislators would find less onerous.

The measure has a working title of “Providing for Additional Security in States’ Identification Act of 2009” or PASS ID Act. It reportedly is being negotiated between a number of governors and Secretary of Homeland Security Janet Napolitano. Reports indicate that the plan is for the bill to be introduced during the week of May 22, 2009, during the National Conference of State Legislators (NCLR) spring meeting in Washington, DC.

AgJOBS Legislation: Senator Dianne Feinstein (D-CA) is working on a new version [S. 340](#), of the Agricultural Job Opportunities, Benefits, and Security Act of 2007”, also known as the “AgJOBS Act of 2007.” As introduced during the 110th Congress, the measure would have provided for the legalization of undocumented seasonal agricultural workers, eased the process of admitting H-2A nonimmigrant agricultural workers, and relaxed some of the labor protections and benefits H-2A workers enjoy. Speaking at April 30, 2009, Senate Judiciary Committee hearing, Senator Feinstein noted that there were some differences between growers and farm worker union officials on some aspects of the legislation, that she was seeking to broker a deal, and that she would introduce the bill once a deal has been reached.

Secure and Safe Detention and Asylum Act: Senate Homeland Security and Governmental Affairs Committee Chairman Joseph Lieberman (I-CT) is planning to introduce a new version of [S. 3114](#), the “Secure and Safe Detention and Asylum Act”, which he introduced in the 110th Congress. ⁵⁷⁶

Family-Based Immigration Backlogs: Senator Bob Menendez (D-NJ) is working on legislation that would re-order the family preference immigration system and eliminate backlogs in family preference visas. The bill is reportedly based on [S. 3514](#), the “Reuniting Families Act”, which he introduced in the 110th Congress. Reports indicate that the Senator is nearing the final stages of production on the bill and could be introduced as soon as this week. ◇

Over the Horizon ...

The following is a listing of several immigration- or refugee-related items that have either not yet been scheduled for action in Congress or on which it is anticipated that some Congressional will occur within the next several weeks.

Items added to this listing since the previous edition of the Weekly Legislative Update and items on the listing which

have substantially changed since the last Weekly Legislative Update was issued are marked with a double asterisk (**).

House

Full House to Take Up State Department Authorization Bill Containing Significant Refugee Reforms:

The full House is likely to take up [H.R. 2410](#), the State Department Authorization Bill for Fiscal Years 2010 and 2011 sometime in June. The measure was introduced by House Foreign Affairs Committee Chairman Howard L. Berman (D-CA) on Thursday, May 14, 2009. It is scheduled for markup on Wednesday, May 20, 2009.

As introduced, the measure would authorize \$1.557 BILLION for the Department of State’s Migration and Refugee Assistance (MRA) account; make a number of reforms to the refugee admissions program and process; provide for English instruction, cultural orientation, and work orientation for approved refugees prior to their departure for the United States; and direct the Department to State to take steps to assist refugees from and Internally Displaced persons within Iraq.

Senate

Confirmation Hearings Yet to Be Scheduled for Several Key Immigration- and Refugee-related nominees:

Two nominees for key immigration- or refugee-related positions in the Obama Administration are pending in their respective committees:

- Bureau of Population, Refugees, and Migration. On April 23, 2009, President Obama announced his intention to nominate Eric P. Schwartz to be Assistant Secretary of State for Population, Refugees, and Migration (PRM). The Department of State’s Bureau of Populations, Refugees, and Migration administers nation’s refugee admissions and overseas refugee assistance programs.

According materials released by the White House, at the time he was nominated to head PRM, Mr. Schwartz was Executive Director of the Connect U.S. Fund, a foundation/NGO initiative focused on foreign and international affairs, and Visiting Lecturer of Public and International Affairs at the Woodrow Wilson School at Princeton University.

Assistant Secretary-Designate Schwartz’s nomination will be handled by the Senate Committee on Foreign Relations. No official word has been released concerning the timing of the confirmation process for his nomination.

- U.S. Citizenship and Immigration Services. On April 24, 2009, President Obama announced his intention to nominate Alejandro Mayorkas, a Cuban-born trial lawyer, to be the new Director of the Department of Homeland Security’s U.S. Citizenship and Immigration

⁵⁷⁶ See Page 410 of the [April 27, 2009, edition of the Weekly Legislative Update](#) for a more detailed description of the immigration-related provisions in the 110th Congress’ S. 3114

Services (USCIS) bureau. [The United States Citizenship and Immigration Services](#) (USCIS) component of the Department of Homeland Security is responsible for adjudicating requests for immigration benefits, including applications for naturalization, applications for refugee status, and affirmative applications asylum.

According to materials released by the White House, Mayorkas is currently a partner at the law firm of O'Melveny and Myers. He previously served as the United States Attorney for the Central District of California.

Mr. Mayorkas' nomination will be handled by the Senate Committee on the Judiciary. No official word has been released concerning the timing of the confirmation process for his nomination. ◇

Next Week's Edition ...

Look for the following articles in the next edition of the Weekly Legislative Update:

- [Fiscal Year 2009 War Supplemental](#). Next week's Weekly Legislative Update will report on Senate floor action on the fiscal year 2009 war supplemental, as well as on any action that takes place in a conference on the

supplemental appropriations bill, should such action occur.

- [Vote in Senate on the de Baca Trafficking Nomination](#). Next Week's Weekly Legislative Update will provide coverage of this week's Senate floor action, should it occur, on the nomination of Luis de Baca to be Ambassador-at-Large to Monitor and Combat Trafficking in Persons.
- [Refugee Program Reforms in the State Department Authorization Bill](#). Next week's Weekly Legislative Update will report on this week's expected markup of H.R. 2410, the State Department Authorization bill.
- [Fiscal Year 2010 Appropriations for International Affairs](#). Next week's Weekly Legislative Update will report on Secretary of State Hillary Rodham Clinton's testimony before two separate Senate Committees on the Administration's fiscal year 2010 budget request for international affairs.
- [Border Enforcement](#). Next week's Weekly Legislative Update will provide detailed coverage of this week's Senate Judiciary Subcommittee on Immigration, Refugees, and Border Security hearing on securing the United States border. ◇

Appendix

No items this week.

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