



United States Conference of Catholic Bishops Government Relations

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

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Page 557

Legislative Highlights

<i>Full House Could Take Up State Authorization Bill Containing Refugee Admissions Provisions</i>	562-566
<i>Full House Could Take Up Expiring Immigration Programs Extender Bill</i>	566-568
<i>Conferees to Finalize FY '09 War Supplemental Containing Increased Refugee Assistance</i>	569-571
<i>Senate Foreign Relations Committee to Hold Hearing on Schwartz Nomination to Head PRM</i>	560-561
<i>House Appropriations Panel to Hold Hearing on FY '10 HHS Appropriations</i>	558-560
<i>Senate Judiciary to Hold Hearing on Treatment of Gay Partners in U.S. Immigration Law</i>	560-560

Congress returns today from its week-long Memorial Day recess. It will remain in session through Friday, June 26, 2009, at which time it will begin a week-long Independence Day recess. Congress is expected to complete action this week on the fiscal year 2009 war supplemental appropriations bill, which contains increased funding for refugee assistance. During the remainder of this work period, the House is expected to take up the State Department Authorization bill, which contains reforms to the refugee admissions process; and begin producing the fiscal year 2010 appropriations bills, including the four bills that appropriate funds to operate the federal government's immigration-, refugee-, and border security-related agencies, functions, programs, and activities.

This Week's Hearings

Continued on Page 558

At the time of this writing, three hearings were scheduled for this week at which significant immigration- or refugee-related matters are expected to be discussed. One is taking place in the House and two in the Senate:

- FY '10 Appropriations for Refugee Resettlement. The House Appropriations Subcommittee on Labor, Health and Human Services, Education has scheduled a hearing on the Administration's Fiscal Year 2010 budget request for the Department of Health and Human Services;
- Permanent Gay Partners and Immigration Law. The Senate Committee on the Judiciary has scheduled a hearing for this week on legislation to treat permit permanent gay partners the same as spouses under U.S. immigration law; and

Inside This Week's Edition

Legislative Highlights	557
This Week's Hearings	557 - 561
This Week's Markups	561 - 562
This Week's Floor Activity	562 - 568
This Week's Conference Activity	569 - 571
This Week's Executive Activity	571 - 571
Last Week's Legislative Activity	571 - 571
Last Week's Executive Activity	571 - 572
Recently Introduced Legislation	573 - 573
Bills in Development	573 - 573
Over the Horizon	573 - 574
Next Week's Weekly Legislative Update ..	574 - 574
Appendix	575 - 575

This Week's Hearings (continued)

- Nomination of Eric P. Schwartz to Head the State Department's Bureau of Population, Refugees, and Migration. The Senate Committee on Foreign Relations has scheduled a confirmation hearing this week on the nomination of Eric P. Schwartz to be Assistant Secretary of State for Population, Refugees, and Migration.

House

House Appropriations Panel to Hold Hearing on FY Obama '10 Appropriations Request for the Department of Health and Human Services: The House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies has scheduled a hearing for this week on the Administration's fiscal year 2010 budget request for the Department of Health and Human Services. This week's hearing is scheduled for 2:00 pm on Tuesday, June 2, 2009, in Room 2359 of the Rayburn House Office Building.

Anticipated Witnesses. At the time of this writing, the sole witness for this week's hearing was expected to be Secretary of Health and Human Services Kathleen Sebelius.



HHS Jurisdiction over Refugees and Immigration. While the Department of Health and Human Services has jurisdiction over the nation's refugee resettlement program, the bulk of its programmatic jurisdiction is over a broad range of health and human services programs and activities that have nothing to do with refugees. Discussion about those other areas are expected to dominate this week's hearing.

With regard to refugees, working through its [Office of Refugee Resettlement](#) (ORR), which is an office within the Department's [Administration for Children and Families](#) (ACF), the Department of Health and Human Services operates several specific programs that assist refugees and other vulnerable populations of noncitizens:

- Resettlement Services to Refugees, Asylees, Special Immigrant Iraqis, and Certain Amerasians. These programs provide resettlement services to refugees who have been admitted to the United States and aliens, individuals who have been granted asylum in the United States, individuals from Vietnam who are admitted to the U.S. as immigrants pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988.
- Trafficking Victims. These programs assist aliens found in the United States who are the victims of trafficking;

- Torture Victims. These programs assist alien torture victims who are found in the United States; and
- Unaccompanied Alien Children. These programs provide care and custody for unaccompanied aliens in federal custody while their immigration status is being resolved.

Two other Federal departments also play a major role in refugee protection. The Department of State, through its Bureau of Population, Refugees, and Migration (PRM) operates programs to assist in the admission of refugees to the United States and provide overseas refugee assistance to refugees in camps of first asylum. And the Department of Homeland Security, through its U.S. Citizenship and Immigration Services Bureau (USCIS), interviews and adjudicates refugee applicants once they have been identified.

Administration's Fiscal Year 2010 Budget Request. On May 7, 2009, President Barack Obama last submitted detailed information to Congress about his proposed fiscal year 2010 budget for refugee protection. The proposal would make significant increases in spending on refugee resettlement compared to the amount appropriated in fiscal year 2009 for that purpose.

More specifically, the Administration's budget submission proposes a fiscal year 2010 appropriation of \$740.7 MILLION for the Office of Refugee Resettlement. This would represent an increase of \$107.3 MILLION over the fiscal year 2009 appropriation for ORR. Within the appropriation, the Administration has requested to increase funding for ORR's resettlement activities by \$54.7 MILLION. It has requested to increase funding for the Division for Unaccompanied Alien Children (DUCS) by \$53 MILLION.

Major components of the Administration's overall fiscal year 2010 ORR request are broken down as follows:

Continued on Page 559

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This Week's Hearings (continued)

- ORR's Resettlement Activities. The Administration proposed an appropriation of \$544.4 MILLION for ORR's resettlement activities in fiscal year 2010. This includes four programs: Transition & Medical Assistance, Social Services, Preventive Health, and Targeted Assistance. This is \$54.7 MILLION, or 11.2 percent, more than the amount appropriated in fiscal year 2009 for these services.

- Unaccompanied Alien Children. The Administration's fiscal year 2010 budget submission proposes \$175.6 MILLION for ORR's Unaccompanied Alien Children program. This would be \$52.4 MILLION, or 44 percent, more than the amount appropriated for this purpose in the regular fiscal year 2009 appropriations bill.

The Administration justifies the increase in funding by noting new mandates contained in P.L. 110-457, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.⁶²³

- Torture Victims Assistance. The Administration's fiscal year 2010 budget submission requests \$10.8 MILLION to provide support for services to torture victims. This is the same amount that was appropriated in fiscal year 2009 to assist torture victims.

- Trafficking Victims Assistance. The Administration's fiscal year 2010 budget submission requests \$9.8 MILLION to assist trafficking victims. This is the same amount that was appropriated in fiscal year 2009 to assist trafficking victims.

Among the highlights of the Administration's refugee resettlement-related budget proposals are:

- Refugee Admissions Ceiling for Fiscal Year 2010. The Administration's budget documents indicate that the Administration's fiscal year 2010 budget would accommodate 80,000 refugee admissions in fiscal year 2010, which the budget documents note would be the same number that was planned for in fiscal year 2009.⁶²⁴

- Special Immigrant Iraqi and Afghan Arrivals. The Administration's budget documents indicate that the Administration's fiscal year 2010 budget plans for

29,000 Special Immigrant arrivals from Iraq and Afghanistan in fiscal year 2010. This would be more than double the 12,000 such arrivals that the Administration estimates for fiscal year 2009.⁶²⁴

The chart that follows summarizes the Administration's fiscal year 2010 budget submission for ORR:

Administration's Fiscal Year 2010 Request for the Office of Refugee Resettlement

ITEM	'08 Actual	'09 Projected	'10 OMB
Transitional & Medical	\$ 296.1	\$ 282.3	\$ 337.1
Social Services	\$ 154	\$ 154	\$ 154
Preventive Health	\$ 4.75	\$ 4.75	\$ 4.75
Targeted Assistance	\$ 48.6	\$ 48.6	\$ 48.6
SUBTOTAL	\$ 503.4	\$ 494.3	\$ 544.4
Trafficking Victims	\$ 9.8	\$ 9.8	\$ 9.8
Torture Victims	\$ 9.8	\$ 10.8	\$ 10.8
Unaccompanied Alien Children	\$ 132.6	\$ 123.1	\$ 175.6
TOTAL ORR	\$ 655.6	\$ 633.4	\$ 740.6

Millions of Dollars

Views of the Advocacy Community. The pro-refugee advocacy community has expressed cautious praise for the Administration's fiscal year 2010 budget proposals for the Department of Health and Human Services' ORR account.

Refugee Council USA (RCUSA), the nation's leading coalition of refugee resettlement, human rights, and humanitarian organizations, has recommended an appropriation of \$949 MILLION for the Department of Health and Human Services Office of Refugee Resettlement (ORR) in fiscal year 2010.⁶²⁵ This is \$208.3 MILLION, or 28.2 percent, more than the Administration is requesting for fiscal year 2010.

With regard to funding for ORR, most of the difference between the advocacy community's recommendations and the Administration's request is the advocacy community's support for substantially higher funding for ORR's resettlement services. RCUSA recommends an appropriation of \$646 MILLION for those services in fiscal year 2010.

⁶²³ See page 259 of the [Department of Health and Human Services Fiscal Year 2010 Administration for Children and Families Justification of Estimates for Appropriations Committees](#)

⁶²⁴ See page 233 of the [Department of Health and Human Services Fiscal Year 2010 Administration for Children and Families Justification of Estimates for Appropriations Committees](#)

⁶²⁵ RCUSA predicated its recommended level of fiscal year 2010 appropriations for the Office of Refugee Resettlement on 80,000 refugee admissions. It would recommend higher amounts of appropriations for ORR under scenarios where the number of refugee admissions is higher than 80,000

That is \$101.6 MILLION, or 18.7 percent, more than the Administration has proposed.

The Advocacy Community’s proposed increase in spending for these services is mostly attributable to two factors:

- **Greater Use of the Voluntary Agency Matching Grant Program.** The pro-refugee advocacy community proposes greater use of the Voluntary Agency Matching Grant program, which leverages private sector contributions with federal dollars to help refugees and others who are eligible for the program reach self sufficiency without reliance on welfare programs. Approximately 25,000 refugees, asylees, and parolees were served by this program in fiscal year 2007. The pro-refugee advocacy community recommends that 57,000 persons be served by the program in fiscal year 2010. This accounts for approximately \$75 MILLION of difference between the Administration’s submission and the advocacy community’s proposal.
- **Emergency Housing Assistance.** The pro-refugee advocacy community is seeking funding to assist refugees who have lost their jobs or are in danger of losing their jobs with their housing needs. The community is fearful that, in the current economic climate, a number of refugees will fall into a cycle of homelessness and poverty. This accounts for approximately \$30 MILLION of difference between the Administration’s submission and the advocacy community’s proposal.
- **Services for Special Immigrant Iraqis.** The pro-refugee advocacy community assumes the admission of a number of Iraqis and Afghan special immigrants who helped the United States government during the conflict in Iraq and Afghanistan, all of whom are eligible for ORR services. RCUSA estimates that the cost of providing services to these individuals will be approximately \$68 MILLION.

There are other areas of difference between the Administration and the pro-refugee advocacy community.

For instance--

1. **Trafficking and Torture Victim Assistance.** The pro-refugee advocacy community recommends more spending on trafficking victim assistance and torture victim assistance compared to the Administration’s request for those programs. This would increase spending in each of those programs from the approximately \$20.6 MILLION requested by the Administration (and provided in fiscal year 2009) to \$35 MILLION in fiscal year 2010.

2. **Unaccompanied Alien Children.** The pro-refugee advocacy community and children’s advocates recommend a substantial increase in fiscal year 2010 spending for the care and placement of unaccompanied alien children compared to the Administration’s request.

The chart that follows compares the Administration’s fiscal year 2010 request for ORR with RCUSA’s recommendations:

Administration vs. RCUSA
Fiscal Year 2010 Request for ORR

ITEM	'09 Projected	'10 OMB	'10 RCUSA
Transitional & Medical	\$ 282.3	\$ 337.1	\$ 391.4
Social Services	\$154	\$ 154	\$ 187.9
Preventive Health	\$ 4.75	\$ 4.75	\$ 5.9
Targeted Assistance	\$ 48.6	\$ 48.6	\$ 60.8
SUBTOTAL	\$ 494.3	\$ 544.4	\$ 646
Trafficking Victims	\$ 9.8	\$ 9.8	\$ 15
Torture Victims	\$ 10.8	\$ 10.8	\$ 20
Unaccompanied Alien Children	\$ 123.1	\$ 175.6	\$ 268
TOTAL ORR	\$ 633.4	\$ 740.6	\$ 949

Millions of Dollars ☼

Senate

Senate Judiciary Committee to Hold Hearing on Gay Partners and U.S. Immigration Law: The Senate Committee on the Judiciary has scheduled a hearing for this week on legislation to treat permit permanent gay partners the same as spouses under U.S. immigration law. This week’s hearing will be held in connection with [S. 424](#), the Uniting American Families Act, which was introduced by Senate Judiciary Committee Chairman Patrick Leahy (D-VT). The hearing is scheduled for 10:00 am on Wednesday, June 3, 2009.

Anticipated Witnesses. At the time of this writing, the witness list for this week’s hearing had not yet been made publicly available. ☼

Senate Foreign Relations Committee to Hold Confirmation Hearing on Nomination of Schwartz to Head Refugee Bureau: The Senate Committee on Foreign Relations has scheduled a hearing for this week on the nomination of Eric P. Schwartz to be Assistant Secretary of State for Population, Refugees, and Migration (PRM). This week’s hearing is scheduled for 2:30 pm on Wednesday,

June 3, 2009, in Room SD-419 of the Dirksen Senate Office Building.

PRM Jurisdiction Over Refugee Assistance and Admissions. The Department of State operates several programs and utilizes several accounts that assist in the protection of refugees. The Department operates these programs through its [Bureau of Population, Refugees, and Migration](#) (PRM), which has primary responsibility for formulating policies on population, refugees, and migration, and for administering U.S. refugee assistance and admissions programs. PRM is headed by an Assistant Secretary of State, who is appointed by the President, with the advice and consent of the U.S. Senate.

Through PRM, the Department of State works in close conjunction with international organizations, such as the [United Nations High Commission for Refugees](#) (UNHCR), to provide life-sustaining assistance to refugees in countries of asylum. The Department also works closely with international organizations, nongovernmental organizations (NGOs), and the United States [Department of Homeland Security](#) (DHS) to admit a relatively small number of refugees into the United States through its Refugee Admissions Program.

In addition to having jurisdiction over some aspects of U.S. policy toward refugees, the Department of State, through its [Bureau of Consular Affairs](#) (BCA), is involved in the processing and adjudication of visa requests.

PRM operates two accounts that assist refugees. The first of these is the Migration and Refugee Assistance (MRA) account, which the Department of State uses to fund the federal government's refugee admissions and overseas refugee assistance programs. The second is the Emergency Refugee Migration Assistance (ERMA) account, a no-year account that holds funds that the President can draw down from in order to meet emergency refugee needs.

Two other Federal departments also play a major role in refugee protection. The [Department of Health and Human Services](#), through its [Office of Refugee Resettlement](#) (ORR), provides resettlement assistance to refugees once they have arrived in the United States. And the Department of Homeland Security, through its U.S. Citizenship and Immigration Services Bureau (ORR), interviews and adjudicates refugee applicants once they have been identified.

Background on Eric Schwartz. President Barack Obama nominated Mr. Schwartz to be Assistant Secretary of State for Population, Refugees, and Migration (PRM) on April 23, 2009. According to materials released by the White House, Mr. Schwartz was, at the time, 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.

Between 2005 and 2007, Mr. Schwartz served as United Nations Deputy Special Envoy for Tsunami Recovery, working to promote coordination, accountability to donors and beneficiaries, and best practices in the recovery effort. Prior to that, he served as lead expert on conflict prevention and reconstruction for the Congressionally mandated Task Force on United Nations Reform, and as a Senior Fellow at the Council on Foreign Relations.

Between 1993 and 2001, Schwartz served at the National Security Council (NSC), ultimately as Special Assistant to the President for National Security Affairs and Senior Director for Multilateral and Humanitarian Affairs. For eight years, he was the NSC official responsible for refugee issues, and managed Administration policy responses on the rescue of Kurdish refugees from Northern Iraq, the resettlement of Vietnamese boat people, and safe haven for Haitian refugees and Kosovars. Prior to that, he served at the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, where he was responsible for most of the Committee's work on Asian refugee issues, including Vietnamese boat people, Laotian refugees and the U.S. immigration issues relating to the transfer of sovereignty in Hong Kong. ☼ ◇

This Week's Markups

At the time of this writing, two committee actions having implications for immigration- or refugee-related matters were anticipated to take place this week in the House or Senate. One is taking place in the House and the other in the Senate:

- **Material Support to Terrorists.** The Senate Committee on the Judiciary has scheduled a markup for this week at which the issue of material support to terrorists is expected to be considered; and
- **Refugee Admissions Reforms.** The House Committee on Foreign Affairs is expected this week to file the report accompanying the State Department Authorization bill that it ordered reported during the week of May 18, 2009.

House

House Foreign Affairs to File Report on Foreign Relations Authorization Act: The House Committee on Foreign Affairs is expected this week to file the committee report accompanying [H.R. 2410](#), the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011.⁶²⁶

⁶²⁶ *This is an unofficial version of the measure, as ordered reported by the House Committee on Foreign Affairs on May 20, 2009*

The Committee approved the measure on Wednesday, May 20, 2009, ordering that it be reported to the full House of Representatives.

Senate

Senate Judiciary Could Address Material Support to Terrorist Issue in Markup of State Secrets Bill:

The Senate Committee on the Judiciary has scheduled a markup for this week at which a new take on the material support to terrorist issue could be addressed. This week's Senate Judiciary Committee markup, which the Committee calls an executive business meeting, is expected to occur in connection with [S. 417](#), the State Secrets Protection Act. The executive business meeting is scheduled for 10:00 am on Thursday, June 4, 2009, in Room SD-226 of the Dirksen Senate Office Building.

Background. S. 417 was introduced in the Senate on February 11, 2009, by Senate Judiciary Committee Chairman Patrick J. Leahy (D-VT). At the time of this writing, it had eight cosponsors, all of whom were Democrats.⁶²⁷

As introduced, S. 417 would place limits on the president's ability to use the state secrets privilege as a method of dismissing entire lawsuits alleging government abuses. It also would—

- proscribe procedures that courts may use when considering cases in which the president invokes the state secrets privilege,
- grant courts of appeal jurisdiction of an appeal by any party from any interlocutory decision or order of a U.S. district court, and
- require the Attorney General within 30 days to report in writing to Congress on any case in which the United States asserts the state secrets privilege.

Summary of Immigration- and Refugee-Related Provisions. The introduced version of S. 417 does not contain any immigration- or refugee-related provisions.

Potential Immigration- or Refugee-Related Amendments. At the time of this writing, only one immigration- or refugee-related amendment to S. 417 was anticipated. Senate Minority Whip Jon Kyl (R-AZ) has indicated plans to submit an amendment to the measure dealing with material support to terrorists.

Under a [draft of the Kyl Material Support Amendment that was circulating last week](#),⁶²⁸ anyone who “provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism” would be subject to up to 25 years of imprisonment.

While the Kyl Material Support Amendment would not directly impact refugees, nonprofit organizations that work with refugees have expressed a concern that it could negatively impact their ability to work with refugees. ☼ ◇

This Week's Floor Activity

While at the time of this writing, none of the measures had made it to the official House schedule for the week, three measures containing significant immigration- or refugee-related provisions could see floor action this week or next:

- [Supplemental Funding for Refugee Assistance and Unaccompanied Alien Children](#). The House and Senate could take up the conference report on the fiscal year 2009 war supplemental appropriations bill, which contains appropriations for Migration and Refugee Assistance and the Office of Refugee Resettlement;
- [Refugee Admissions Reforms](#). The full House could take up the Foreign Relations Authorization Bill, Fiscal Years 2010 and 2011, which contains a number of refugee admissions reforms and provisions relating to Iraqi refugees and internally displaced Iraqis;
- [Expiring Immigration Program Extenders](#). The full House could take up a measure extending four expiring immigration programs.

House

House Could Take Up Foreign Relations Authorization Bill Containing Numerous Reforms to the U.S. Refugee Program:

While it seemed unlikely at the time of this writing that it would occur this week, it is possible that the full House of Representatives this week could take up a measure containing significant reforms in the United States refugee admissions program. Should it take place, this week's House floor action would occur in connection with [H.R. 2410](#), the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011. At the time of this writing, the precise date for House floor action on the measure had yet to be set.

⁶²⁷ Senator Arlen Specter (D-PA), a cosponsor of the measure, was a Republican at the time that he joined as a cosponsor of S. 417. He since has changed his allegiance to the Democratic party

⁶²⁸ This is an unofficial version of the Kyl Material Support Amendment that he intends to offer in the Senate Judiciary Committee to S. 417, the State Secrets Protection Act

Parliamentary Situation. At the time of this writing, the parliamentary situation that will govern House floor consideration of H.R. 2410 was not yet known. It is believed that the House Committee on Foreign Affairs, which reported the measure, will seek a modified closed rule limiting the number and nature of amendments that can be offered to bill.

Summary of Immigration- and Refugee-Related Provisions. As approved by the House Committee on Foreign Affairs, Sections 104, 233, 234, 235, and 1104 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. Embassy Referrals. Section 233(a)(1) would require the Secretary of State to expand training of U.S. embassy and consular personnel to ensure that appropriate United States embassies and consulates are equipped and enabled to refer to the United States refugee admissions program aliens in urgent need of resettlement.
- B. NGO Referrals. Section 233(a)(2) would require the Secretary of State to expand training of and communication with nongovernmental organizations (NGOs) that provide assistance to displaced and persecuted persons to enable such organizations to refer to the United States refugee admissions program aliens in urgent need of resettlement.

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.
- B. Separated Children. Section 233(c)(2) would provide that a child under the age of 18 who has been separated from his or her birth or adoptive parents and is 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, if it is in the best interests of the child to be placed with the alien in the United States, be admitted to the United States as a refugee.

Children of Refugee Spouses. Section 233(c)(3) would provide that if a refugee or asylee spouse proves that such spouse is the biological or adoptive parent of a child, such child shall be eligible to accompany or follow to join such parent.

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 to establish training programs to provide English as a second language, cultural orientation, and work orientation training for refugees who have been approved for admission to the U.S. before their departure for the U.S.

Section 234(b) would require that, in establishing the ESL, cultural awareness, and work orientation programs, the Secretary consult with or utilize both NGOs or international organizations with direct ties to the U.S. refugee admissions program and NGOs or international organizations with appropriate expertise in developing curriculum and teaching English as a second language.

Sec. 234(c) would require the Secretary to 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.

Section 234(d) would require that the training programs referred to in subsection (a) be implemented in at least three regions within a year after the date of enactment of the Act and that it be implemented in five regions within two years after the date of enactment of the Act.

Section 234(e) would require that the Government Accountability Office (GAO) to conduct a study of the programs implemented pursuant to the section and report to Congress on its findings.

Finally, Section 234(f) 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 of high ranking officials from DOS, DHS, and 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 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.
- Stateless Refugees. Section 1104 contains a number of provisions relating to stateless persons. Among the provisions are those that seek to encourage UNHCR and UNICEF to work to ensure that children born to refugees and IDPs receive birth certificates; require the Secretary of State to increase resources available within the Bureau of Population, Refugees, and Migration (PRM) devoted to statelessness; and establishing an interagency working group on statelessness that would include in its membership the Assistant Secretary of State for PRM.

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 only official views on H.R. 2410 that the Administration Obama Administration has expressed were expressed by the Department of State. In those views, the Department expressed support for all of the provisions in sections 233, 234, and 235 with the following exceptions:

- Early Consultation Meeting. The Department of State has indicated its strong opposition to Section 233(b)(2), which would require that the annual consultation meeting take place by June 1 of each year.

The Department has indicated its belief that the date in the bill is unrealistic given the competing demands on the time of the Secretary and the leadership of the House

and Senate Judiciary committees. It has suggested that the phrase, "Whenever possible" be added.

- **ESL, Work and Cultural Orientation Training.** The Department of State has indicated its strong opposition to Section 234, which would require the Department to establish training English as a Second Language, work orientation, and cultural orientation programs for approved refugees prior to their departure for the U.S.

The Department has indicated that its opposition is based on years of experience with extended overseas training programs, primarily in Southeast Asia. The Department says that those programs were found to be costly and ineffective in developing language or other skills and had little impact on refugees' need for these same services once resettled in the U.S. The Department has suggested that taxpayer money would be better spent on these programs in the U.S. where they can be tailored and are directly relevant to what individual refugee needs are. Moreover, the Department asserts that interested refugees often study English informally or through non-USG funded programs while still overseas.

- **Iraqi Refugees and Internally Displaced Persons.** The Department of State has indicated its strong opposition to Section 235, which would establish a number of requirements relative to the Department's treatment of Iraqi refugees and internally displaced persons.

The Department has expressed broad concerns about nearly every aspect of Section 235. It has expressed particular concern about Section 235(d), which it interprets as requiring the U.S. to fund not less than 50 percent of UNHCR and other international organizations' appeals. It also expressed particular concern about 235(c), which it says is inappropriate in that it would single out one nationality for a special resettlement process. It also raised Constitutional concerns about language in the Section requiring the Department to negotiate or otherwise engage with foreign governments or international organizations.

The Administration is expected to weigh in more formally and more comprehensively as H.R. 2410 proceeds to the House floor.

Outlook. Now that the House Committee on Foreign Affairs has ordered that H.R. 2410 be reported to the full House of Representatives, the next step in the legislative process is for the Committee to formally report the measure to the House and the full House to take up the measure. Both of those events are expected to occur in June after Congress returns from its week-long Memorial Day recess. ☀

House Could Take Up Measure Extending Expiring Immigration Programs: While at the time of this writing it seemed unlikely that it would occur this

week, it is possible that as soon as this week, the full House of Representatives could take up a measure that would extend four popular but expiring immigration programs. Each of the four programs is set to expire on September 30, 2009.

At the time of this writing, no bill had yet been introduced to extend the four programs. Reports indicate that the measure is likely to be introduced within the next week, that it will extend all four programs for somewhere between three and five years, and that the full House of Representatives could immediately take up the measure, bypassing its consideration in the House Committee on the Judiciary, which has jurisdiction over the four programs.

Parliamentary Situation. Should the House of Representatives take up a measure extending the four expiring immigration programs, it likely will do so under a procedure known as "suspension of the rules." Under this procedure, debate on a measure is limited to 40 minutes, equally divided between Democrats and Republicans, the measure is not subject to amendment, and it must receive the affirmative votes of two-thirds of those Members who are present and voting.

Need for the Legislation. When the 110th Congress adjourned in December, 2008, it did so without providing long-term extensions of four expiring immigration programs:

- the E-Verify employment verification program,
- EB-5 Investor Visa Regional Centers,
- the Conrad State 30 Program for foreign-born doctors in medically underserved communities, and
- the special immigrant non-minister religious worker visa program.

Instead, Congress extended the E-Verify and Investor Visa Regional Center programs through March 6, 2009, in the fiscal year 2009 continuing appropriations resolution it enacted last December. It extended the special immigrant religious worker visa and Conrad 30 State programs in separate legislation, also through March 6, 2009.

Congress acted in March to extend the authority for the four programs through the end of fiscal year 2009. Authority for the E-Verify and the EB-5 Investor Visa Regional Center programs was extended through September 30, 2009, by Division J, Section 101 of [P.L. 111-8](#), the Omnibus Appropriations Act, 2009, which was considered in the House and Senate as [H.R. 1105](#). Authority for the Conrad 30 and special immigrant non-minister religious worker visa programs was extended through September 30, 2009, by [P.L. 111-9](#), a measure that was considered in the House and Senate as [H.R. 1127](#).

Background on the E-Verify Program. The E-Verify Program is more formally known as the Basic Pilot Employment Verification Program. It is an Internet based system operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA). It allows participating employers to electronically verify the employment eligibility of their newly hired employees. It is free of charge to employers, and most employers who participate in the program do so voluntarily. The Department of Homeland Security maintains that it is the best means available for determining employment eligibility of new hires and the validity of their Social Security Numbers. To participate, an employer must enroll and sign a memorandum of understanding (MOU) that spells out the responsibilities of the SSA, DHS USCIS, and the employer.

The Basic Pilot Employment Verification Program was created by Sections 401(b) and 403(a) of [P.L. 104-208](#), the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Initially operated in five of the seven states with the highest estimated population of aliens who are not lawfully present in the United States, the program is now operated on a nationwide basis. Its use is mandatory in the state of Arizona for virtually all of the state's public and private sector employers. The State of Mississippi is phasing in the mandatory use of the E-Verify system for its private and public sector employers.

The basic pilot program was originally set to expire in November of 2001. However, it was subsequently extended. It currently is set to expire on September 30, 2009.

Background on the EB-5 Regional Center Program. The immigrant investor visa, known as the EB-5 visa, was created in 1990 and grants lawful permanent residency to individuals willing to invest at least \$1 million in an enterprise that directly employs at least 10 legal workers in the United States. In certain rural or high-unemployment areas, however, the dollar amount is reduced to at least \$500,000, though the job-creation requirements remain the same.

In 1992, to stimulate interest in these immigrant investor visas, Congress created the Immigrant Investor Pilot Program. By investing in the designated "regional centers" instead of creating their own enterprises or partnerships, immigrant investors can meet the job-creation requirements of their visas more easily, since they need only show the indirect creation of ten jobs through a "regional center." Otherwise, an immigrant investor would have to show that his or her investment directly created the jobs.

The Investor Visa Regional Centers Basic Pilot program encourages investors seeking to immigrate to the United States to invest in Regional Centers where they may create jobs "indirectly".

This program expires from time-to-time. It currently is set to expire at the end of fiscal year 2009. Unless Congress acts to prevent it, this part of the program will expire at that time.

Background on Religious Worker Visa Program. The Non-Minister Religious Worker Visa Program allows religious organizations to sponsor non-minister religious workers from abroad to perform service here in the United States. Congress enacted the program as part of [P.L. 101-649](#), the Immigration Act of 1990.

The program is composed of two parts:

- The *first* part provides for up to 5,000 Special Immigrant visas (or permanent resident visas) per year which religious denominations or organizations in the United States can use to sponsor foreign nationals to perform religious service in the United States. Once granted, this type of visa allows religious workers to permanently immigrate to the United States and eventually become citizens of our country. This program expires from time-to-time. It currently is set to expire at the end of fiscal year 2009. Unless Congress acts to prevent it, this part of the program will expire on September 30, 2009.
- The *second* part of the program provides religious denominations and organizations with the ability to sponsor temporary religious workers, called Nonimmigrants, to perform religious service in the United States. Nonimmigrant religious workers under this part of the program may remain and work in the United States for no more than five years. Unlike the special immigrant provision, the nonimmigrant provision is permanent law which has no expiration date.

Non-minister religious workers are persons in a religious vocation or occupation, other than those who lead a religious congregation or group (such as ministers, pastors, priests and rabbis.) Examples of non-minister religious workers include those called to religious vocations, such as nuns and monks, as well as lay persons who work as religious instructors, cantors, liturgical musicians, religious broadcasters, missionaries, pastoral care providers, and in other religious occupations.

Since its enactment, the Special Immigrant provision of the Non-Minister Religious Worker Visa Program has been extended five times.

Background on Conrad State 30 Program. The Conrad State 30 Program was designed to provide each states with 30 waivers for J-1 physicians each fiscal year. Under the program, each State has been given some flexibility to implement its own guidelines, but there are some basic requirements that are common to each state's programs.

While the exact requirements vary from state to state, the following is generally required:

- an offer of employment as a primary care physician in a medically underserved area in a particular State;
- a letter of support from the particular State Director of Health supporting the physician's STATE 30 request; and
- a three-year employment contract.

This program expires from time-to-time. It currently is set to expire at the end of fiscal year 2009. Unless Congress acts to prevent it, this part of the program will expire at that time.

Outlook. At the time of this writing, it was unclear whether the House of Representatives would take up legislation extending the four expiring immigration programs. The decision on whether to do so is in the hands of the House Democratic Leadership, which has shown reluctance to take up immigration-related legislation during the 111th Congress.

Apart from having to navigate a nervous House Democratic Leadership, advocates for the four programs also may have to navigate around the Congressional Hispanic Caucus, which has declared that no immigration-related immigration should come before the House unless it is part of a comprehensive immigration reform bill. However, despite concerns that previously have been expressed by the Congressional Hispanic Caucus, the House of Representatives has previously and repeatedly passed legislation containing multi-year authorizations for each of the four expiring immigration programs, often doing so by a voice vote.

Previous House-passed multi-year authorization measures of the expiring immigration programs have died in the Senate because of the opposition of Senator Bob Menendez (D-NJ), who does not want the Senate to take up what he calls “piece meal” immigration measures. He has asserted that rather than passing separate immigration measures, the Senate should take up comprehensive immigration reform or, in the least, should consider reforms to the family-based immigration system. ☼

Bicameral

House and Senate Could Complete Action on FY '09 War Supplemental Measure: The House and Senate could take action as early as this week on a compromise version of the fiscal year 2009 war supplemental appropriations bill. The House and Senate have passed differing versions of the measure, both of which contain provisions that would provide supplemental fiscal year 2009 supplemental funds for refugee assistance and unaccompanied alien children. Conferees are expected to meet this week to resolve differences between the [House-passed](#) and [Senate-passed](#) versions of H.R. 2346, the Supplemental Appropriations Act, 2009.

The following compares funding for refugees or IDPs in the President’s request with the House- and Senate-passed bills:

Refugee-Related Funding in FY '09 War Supplemental Appropriations Bill

Item	Obama	House	Senate
Migration and Refugee Assistance	\$ 293	\$ 343 ⁶²⁹	\$ 345 ⁶³⁰
ESF for Pakistani IDPs	\$ 8	\$ 8	\$ 50
ESF for Jordan IDPs	-----	-----	\$ 150
ESF for Columbian IDPs	-----	-----	\$ 3.5
ESF for Burmese in Thailand	-----	\$ 3	-----
ESF for Georgian IDPs	\$ 68.5	-----	-----
Internat’l Dvlpmnt Assistance	\$ 200	\$ 200	\$ 245
Office of Refugee Resettlement	\$ 100 ⁶³¹	\$ 100 ⁶³²	\$ 82 ⁶³³

Millions of Dollars ◇

⁶²⁹ Page 62 of [H. Rept. 111-105](#), the report accompanying the House version of the supplemental appropriations bill, provides that the MRA funds in the bill “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 in Asia. Funds also will help respond to urgent food pipeline breaks in refugee feeding operations, particularly in Africa. The House report makes no mention of refugees’ resettlement needs.”

⁶³⁰ Page 91 of [S. Rept. 111-20](#), the report accompanying the Senate supplemental appropriations bill, provides that the MRA funds in the bill be used “for the assistance and resettlement needs of refugees and internally displaced persons (IDPs).”

⁶³¹ The Obama request for the Office of Refugee Resettlement (ORR) is hidden on Page 17 of [the Administration’s fiscal year 2009 war supplemental request](#). On that page, it requested that \$350 MILLION be appropriated to the Department of Defense “for counternarcotics and other activities including assistance to other Federal agencies, on the United States’ border with Mexico.” However, it also requested that DOD be permitted “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.”

⁶³² ORR funding in the [House-passed version of H.R. 2346](#), hidden on pages 5–6 of the bill, is identical to the Administration’s request.

⁶³³ Page 67 of [S. Rept. 111-20](#) explicitly provides that “the Committee intends that these funds be 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 President requested these funds in the Department of Defense along with language providing transfer authority to other Federal agencies.”

This Week's Conference Activity

At the time of this writing, one measure that contains significant immigration- or refugee-related provisions is pending in a House-Senate conference committee:

- H.R. 2346, Fiscal Year 2009 War Supplemental. The House and Senate have passed differing versions of H.R. 2346, the Supplemental Appropriations Act, 2009.

Conferees Must Resolve Differing Versions of FY '09 War Supplemental Bill: House and Senate conferees are expected to meet this week to resolve differences between the House- and Senate-passed versions of the fiscal year 2009 war supplemental appropriations bill. Both versions contain differing amounts of spending for refugee assistance, assistance to internally displaced persons, and the care and placement of unaccompanied alien children.

When the conferees deliberate, they will do so in connection with the [House-passed](#) and [Senate-passed](#) versions of H.R. 2346, the Supplemental Appropriations Act, 2009.

Summary of Refugee-Related Provisions. As passed by the House and Senate, the two versions of the measure contain the following immigration- and refugee-related provisions:

- Overseas Refugee Assistance and Refugee Resettlement. The Senate-passed version of the fiscal year 2009 war supplemental appropriations bill would appropriate \$345 MILLION for the Department of State's Migration and Refugee Assistance (MRA) account.

The House-passed measure would appropriate \$343 MILLION for the MRA account.

The Administration requested \$293 MILLION for the MRA account in its supplemental request.

The Senate committee report directs that supplemental MRA funds be used "for the assistance and resettlement needs of refugees and internally displaced persons [IDPs]." The Senate 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 committee report 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 report expressed 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, Section 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. There were no comparable provisions in the Senate committee report.

According to materials prepared by the Administration at the time 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."⁶³⁴

- Funding for the Office of Refugee Resettlement. The Senate-passed version of the fiscal year 2009 war supplemental appropriations bill would appropriate \$82 MILLION in Refugee and Entrant Assistance for the Office of Refugee Resettlement (ORR). The Committee report accompanying the measure directs that the funds be "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."⁶³⁵

⁶³⁴ *Page 81 of the Supplemental appropriations request*

⁶³⁵ *S. Rept. 111-20, Page 69*

The House-passed version of the measure does not contain explicit funding to the Office of Refugee Resettlement. However, it contains a proposal requested by the Administration that \$350 MILLION be appropriated to the Department of Defense (DOD) “for counternarcotics and other activities including assistance to other Federal agencies, on the United States’ border with Mexico.” The bill would permit DOD “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 is understood by House appropriators that this \$100 MILLION would be transferred to the Office of Refugee Resettlement for the care and placement of unaccompanied alien children.

The House-passed provision was contained in the Administration’s FY ’09 war supplemental request.⁶³⁶

- ESF Funds for Refugees and Internally Displaced Persons. The Senate-passed version of the supplemental appropriations bill 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 committee report contains a number of directives relating to the use of ESF funds for refugees and IDPs. Among these are the following:

1. Jordan. The Senate committee report 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.”⁶³⁷

There was no comparable language in the House committee report.

2. Columbia. The Senate committee report provides that \$3.5 MILLION of ESF funds that are intended for Columbia be transferred to the MRA account and may be made available “only for assistance to nongovernmental organizations that provide emergency relief aid to Colombian refugees in neighboring countries.”⁶³⁸

⁶³⁶ Page 17 of the Supplemental appropriations request

⁶³⁷ [S. Rept. 111-20](#), Page 87

⁶³⁸ [S. Rept. 111-20](#), Page 126

There was no comparable language in the House committee report.

3. Pakistan. The Senate committee report provides \$50 MILLION “for humanitarian assistance for internally displaced persons whose numbers have increased sharply in recent months due to the Taliban’s advances.”⁶³⁹

The House report 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.”⁶⁴⁰

The House committee report 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 mandates include directives to –

1. Burmese Refugees. spend \$3 MILLION for Burmese refugees, migrants in Thailand, and internally displaced persons;
2. Iraqis. use ESF funds to assist Iraqi Christians, religious minorities in Iraq, and other displaced and refugee populations in Iraq;
3. West Bank and Gaza. use ESF funds to assist and refugees on the West Bank and Gaza; and
4. Georgia. provide funds for IDPs in Georgia.

- International Disaster Assistance. The Senate-passed version of the supplemental appropriations bill would appropriate \$245 MILLION for International Disaster Assistance (IDA). The committee report accompanying the measure would direct 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.”⁶⁴¹

The House-passed measure would appropriate \$200 MILLION for IDA. The committee report 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

⁶³⁹ [S. Rept. 111-20](#), Page 87

⁶⁴⁰ Page 84 of the Supplemental appropriations request

⁶⁴¹ [S. Rept. 111-20](#), Page 82

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.”⁶⁴²

The following compares funding for refugees or IDPs in the President’s request with the House- and Senate-passed bills:

Refugee-Related Funding in FY ’09 War Supplemental Appropriations Bill (millions of dollars)

Item	Obama	House	Senate
Migration and Refugee Assistance	\$ 293	\$ 343 ⁶⁴³	\$ 345 ⁶⁴⁴
ESF for Pakistani IDPs	\$ 8	\$ 8	\$ 50
ESF for Jordan IDPs	-----	-----	\$ 150
ESF for Columbian IDPs	-----	-----	\$ 3.5
ESF for Burmese in Thailand	-----	\$ 3	-----
ESF for Georgian IDPs	\$ 68.5	-----	-----
Internat’l Dvlpmnt Assistance	\$ 200	\$ 200	\$ 245
Office of Refugee Resettlement	\$ 100 ⁶⁴⁵	\$ 100 ⁶⁴⁶	\$ 82 ⁶⁴⁷

⁶⁴² Page 91 of the Supplemental appropriations request

⁶⁴³ Page 62 of [H. Rept. 111-105](#), the report accompanying the House version of the supplemental appropriations bill, provides that the MRA funds in the bill “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 in Asia. Funds also will help respond to urgent food pipeline breaks in refugee feeding operations, particularly in Africa. The House report makes no mention of refugees’ resettlement needs.

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This Week’s Executive Activity

No items this week. ◇

Last Week’s Legislative Activity

Last Week’s Hearings

With Congress in a week-long recess, no hearings occurred last week at which significant immigration- or refugee-related matters were examined.

Last Week’s Markups

With Congress in a week-long recess, no markups occurred last week on measures having implications for immigration- or refugee-related law or policy.

Last Week’s Floor Actions

With Congress in a week-long recess, no floor actions occurred last week on measures having implications for immigration- or refugee-related law or policy.

Last Week’s Conference Committee Actions

With Congress in a week-long recess, no conference committee actions occurred last week on measures having implications for immigration- or refugee-related law or policy. ◇

Last Week’s Executive Activity

Former Refugee Appointed to Head Nation’s Refugee Resettlement Agency: The Department of Health and Human Services last week announced the appointment Eskinder Negash, a former refugee from Ethiopia, to be the new Director of the Department of Health and Human Services Office of Refugee Resettlement (ORR).

⁶⁴⁶ ORR funding in the [House-passed version of H.R. 2346](#), hidden on pages 5–6 of the bill, is identical to the Administration’s request.

⁶⁴⁷ Page 67 of [S. Rept. 111-20](#) explicitly provides that “the Committee intends that these funds be 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 President requested these funds in the Department of Defense along with language providing transfer authority to other Federal agencies.”

Mr. Negash is currently Vice President and Chief Operating Officer of the U.S. Committee for Refugees and Immigrants (USCRI), a nonprofit advocacy organization that resettles refugees who have been admitted to the United States.

In announcing the appointment of Mr. Negash, Department of Health and Human Services Deputy Secretary William Corr said, "Mr. Negash brings nearly thirty years of experience working on behalf of refugees and immigrants. He will greatly strengthen our efforts to help them adapt to a new culture and become employed, self-sufficient and contributing members of our society as soon as possible." Deputy Secretary William Corr went on to say that "[h]e is well respected for his lifelong dedication of service in non-profit organizations, working to address the needs and rights of persons in forced or voluntary migration. He has consistently advocated fair and humane policies for refugees and immigrants to encourage their full participation in community life."

According to materials released by the Department of Health and Human Services, "[p]rior to his leadership role at USCRI, Mr. Negash was the Vice President and Chief Administrative Officer for fifteen years of the International Institute of Los Angeles, an organization founded in 1914. At the Institute, he implemented diverse programs including Child Care, Senior Services programs, Immigration and Citizenship Programs. He also served as Chair of the California State Refugee Advisory Council; served for two years as Chair of the Joint Voluntary Agency Committee of California, and on the board of several non-profit organizations including the Coalition for Humane Immigrant Rights of Los Angeles.

"A graduate of California State University, Mr. Negash has a proven record of accomplishment of serving refugees and immigrants for nearly three decades, both in the United States and with the International Rescue Committee. He has extensive expertise with program development and the management of foundation, Federal and State government funded programs.

Department of Health and Human Services materials quoted Ms. Negash as saying, "[t]he call to serve others, especially the most vulnerable, is the most meaningful and rewarding work I have ever done. As a former refugee, I am acutely aware of the plight of those who are languishing in refugee camps, often without hope or vision for the future. I am particularly concerned about the newly arriving refugees during this severe economic downturn."

U.S. and Canada Reach Agreement on Framework for Movement of People and Goods During Emergency: Secretary of Homeland Security Janet Napolitano and Canadian Minister of Public Safety Peter Van Loan reached agreement last week on what they called a Canada-United States Framework for the Movement of Goods and People Across the Border During and

Following an Emergency.⁶⁴⁸ The agreement was signed on Wednesday, May 27, 2009, during a two-day trip that Secretary Napolitano made to Canada last week.

In a joint statement issued by the two officials, they said, "We are working in partnership to ensure we manage the border in a way that contributes to the well-being of our two countries and recognize that we can enhance our security without compromising trade.

"Together, the United States and Canada create and trade over a billion dollars worth of goods and services each day. We are committed to a collaborative approach to our border—one that enhances our security and public safety while facilitating the trade and travel that connects our two countries.

"Building on a longstanding relationship of cooperation and collaboration, we share the following goals and plan to meet twice a year to monitor progress:

- Develop joint threat and risk assessments to assist the two countries in forming a common understanding of the threats and risks we face.
- Advance initiatives that manage risk while facilitating the movement of legitimate goods and people; and enhance our ability to assist one another in times of emergency.
- Endeavour to share information relevant to preventing people or goods that threaten our mutual safety and security from entering either nation or from crossing our shared border, consistent with our respective laws, including our privacy laws.
- Where our national laws inhibit or prohibit such sharing, we will strive to ensure that our separate systems prevent entry of dangerous people or goods to either country or across the shared border.
- Expand integrated law enforcement operations along our shared border and waterways to prevent criminals and/or terrorists from using the border to evade enforcement or to inflict harm on our two countries.
- Seek to leverage resources where possible by exploring models for joint or shared border facilities, equipment, and technology, as well as for cross-designation of personnel as appropriate." ☀ ◇

⁶⁴⁸ [Click Here](#) to see the complete text of the *Canada-United States Framework for the Movement of Goods and People Across the Border During and Following an Emergency*

Recently Introduced Legislation

With Congress in recess, no bills containing significant immigration- or refugee-related provisions were introduced last week. ◇

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 America 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.⁶⁴⁹

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 anticipates introducing the 111th Congress version of the measure this week.

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 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.

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.⁶⁵⁰ ◇

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 (**).

Executive Branch

President Schedules June Meeting with Members and Senators on Comprehensive Immigration Reform: President Barack Obama will meet with Members and Senators on comprehensive immigration reform in early June. The meeting attendees will consist of Members and Senators from both parties and on both sides of the comprehensive immigration reform issue. It has been scheduled for Monday, June 8, 2009, at the White House.

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

⁶⁴⁹ 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

⁶⁵⁰ 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

2010 and 2011 sometime in June. House floor action on the measure could occur either this week or next week.

The measure was introduced by House Foreign Affairs Committee Chairman Howard L. Berman (D-CA) on Thursday, May 14, 2009. The Committee approved an amended version of the measure on May 20, 2009, ordering that it be reported to the full House of Representatives.

As approved by the Committee, the measure contains numerous refugee-related provisions. Among them are those that 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

****Senate Judiciary Panel to Continue Hearings on Comprehensive Immigration Reform:** Senate Judiciary Subcommittee on Immigration, Refugees, and Border Security Chairman Charles Schumer (D-NY) has announced plans to hold a series of hearings on comprehensive immigration reform in the coming months.

****Confirmation Hearings Yet to Be Scheduled for Key Immigration- and Refugee-related nominee:** One nominee for a key immigration- or refugee-related position in the Obama Administration is pending in committee without a confirmation hearing scheduled:

- 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 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 conference committee action on the fiscal year 2009 war supplemental, should such action take place this week.
- Expiring Visa and E-Verify Programs. Next week's Weekly Legislative Update will either review or preview House floor action that could occur this week or next on a bill to extend the Special Immigrant Nonminister Religious Worker Visa, the EB-5 Investor Visa Regional Center, the Conrad 30 Medically Underserved Area Physician Doctor Program, and the E-Verify Program.
- State Department Authorization Bill. Next week's Weekly Legislative Update will either review or preview House floor action that could occur this week or next on H.R. 2410, the State Department Authorization bill, which contains a number of reforms to the refugee admissions process. ◇

Appendix

No items this week.

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