



# United States Conference of Catholic Bishops Government Relations

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## Weekly Update on Immigration and Refugee Legislative Matters 111<sup>th</sup> Congress, First Session

Monday, July 13, 2009

(Revised on July 19, 2009)

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### Legislative Highlights

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*The treatment of immigrants in health care reform moves to center stage this week as three House committees contemplate marking up health care reform legislation. Meanwhile, the appropriations process grinds on as the House and Senate face numerous contentious immigration-related amendments.*

### This Week's Hearings

At the time of this writing, two hearings were scheduled for this week at which significant immigration- or refugee-related matters will be discussed. One hearing was scheduled to occur in the House and the other is occurring in the Senate:

- **The REAL ID Act.** The Senate Committee on Homeland Security and Governmental Affairs has scheduled a hearing on the REAL ID Act; and
- **Coordination on Border Violence.** The House Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism has scheduled a hearing on coordinating efforts to combat border violence.

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## ***This Week's Hearings (continued)***

### House

**House Panel to Hold Hearing on DHS/DOJ Coordination in Combating Border Violence:** The House Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism has scheduled a hearing for this week on coordination of efforts between the Department of Homeland Security and the Department of Justice to combat border violence and investigate drug and weapons violations. This week's hearing is scheduled for 10:00 am on Thursday, July 16, 2009, in Room 311 of the Cannon House Office Building.

**Anticipated Witnesses.** At the time of this writing, the list of witnesses at this week's hearing included the following:

- Kumar Kibble, Deputy Director, Office of Investigations, Immigration and Customs Enforcement, Department of Homeland Security;
- Anthony Placido, Assistant Administrator for Intelligence, Drug Enforcement Agency, Department of Justice; and
- Bill McMahon, Deputy Assistant Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice. ☀

### Senate

**Senate Homeland Security Committee to Hold Hearing on the REAL ID Act:** The Senate Homeland Security and Governmental Affairs Committee has scheduled a hearing for this week examining the REAL ID Act. This week's hearing is scheduled for 10:00 am on Wednesday, July 15, 2009, in Room SD-342 of the Dirksen Senate Office Building.

**Anticipated Witnesses.** At the time of this writing, the list of witnesses at this week's hearing included the following:

#### Panel I

- Janet Napolitano, Secretary of Homeland Security; and
- Governor Jim Douglas (R-VT).

#### Panel II

- Stewart A. Baker, Former Assistant Secretary of Homeland Security;
- Leroy D. Baca, Sheriff, Los Angeles County, California;
- David Quam, Director of Federal Relations, National Governors Association; and

- Ari Schwartz, Vice President and Chief Operating Officer, Center for Democracy and Technology ☀ ◇

## ***This Week's Markups***

At the time of this writing, four committees were contemplating markups this week that have implications for immigration- or refugee-related matters. All four of the markups would be taking place in the House:

- FY '10 Appropriations for Refugee Resettlement. The full House Appropriations Committee has scheduled a markup for this week of the Fiscal Year 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill; and
- Health Care Reform and Immigrants. Three House committees could hold markups, beginning as soon as this week, of legislation to reform the nation's health care system.

### House

#### **House Appropriations Committee Schedules Full Committee Markup of Bill Appropriating FY '10 Funds for Refugee Resettlement:**

The House Committee on Appropriations has scheduled a full committee markup for this week of the bill that appropriates funds for the nation's refugee resettlement, trafficking victim assistance, torture victim assistance, and unaccompanied alien children programs. This week's markup will take place in connection with the yet-to-be-introduced Fiscal Year 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill. The markup is scheduled for 9:00 am on Friday, July 17, 2009, in Room 2358 of the Rayburn House Office Building.

**HHS Jurisdiction over Refugees and Immigration.** While the Department of Health and Human Services (HHS) has broad jurisdiction over many programs and activities of gov-

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## ***This Week's Markups (continued)***

ernment, it 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 Assistance. These programs assist aliens found in the United States who are the victims of trafficking;
- Torture Victims Assistance. 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.

HHS operates these programs through its [Office of Refugee Resettlement](#) (ORR), an office within the Department's [Administration for Children and Families](#) (ACF).

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.

**Summary of Subcommittee Bill's Immigration- and Refugee-Related Provisions.** The House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies last week marked up its version of the Fiscal Year 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill. The Subcommittee approved the measure on Friday, July 10, 2009, by a voice vote.

The details of the Subcommittee-approved measure and of the draft committee report that will accompany it had not been made public at the time of this writing. However, the Subcommittee has revealed that the measure would appropriate \$714.968 MILLION for Refugee and Entrant Assistance in fiscal year 2010.

The Subcommittee contends that the bill would increase ORR's fiscal year 2010 funding by nearly 13 percent relative to fiscal year 2009. However, in reality, the bill would actually reduce the fiscal year 2010 ORR appropriation relative to the fiscal year 2009 appropriation by \$432,000. This is so because the actual amount that has been appropriated for fiscal year 2009 is \$715.4 MILLION, which includes \$633.4 MILLION appropriated in the regular appropriations process and another \$82 MILLION that was provided in the recently enacted fiscal year 2009 war supplemental appropriations bill. Moreover, the Subcommittee-approved Fiscal Year 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill would reduce ORR's fiscal year 2010 funding relative to the President's fiscal year 2010 budget request by \$25.2 MILLION.

**Administration's Fiscal Year 2010 ORR Request.** On May 7, 2009, President Barack Obama submitted detailed information to Congress about his proposed fiscal year 2010 budget for ORR. As previously noted, while President Obama's submission proposed to increase fiscal year 2010 spending for ORR compared to the amount that was appropriated during the regular fiscal year 2009 appropriations process, when the President's request is compared to the total amount that has actually been appropriated in fiscal year 2009 for ORR, the increase that it has proposed is far less substantial. When supplemental fiscal year 2009 appropriations for ORR are taken into consideration, the increase that the President requested for fiscal year 2010 is only \$25.2 MILLION, or 3.5 percent.<sup>886</sup>

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

- Overall Funding for the Office of Refugee Resettlement. The Administration's budget submission proposes a fiscal year 2010 appropriation of \$740.6 MILLION for ORR's for Refugee and Entrant Assistance. This would represent an increase of \$107.3 MILLION over the amount appropriated for ORR in the regular fiscal year 2009 appropriations process. However, it is just \$25.2 MILLION more than the total amount that has been actually appropriated in fiscal year 2009.<sup>886</sup>
- Refugee Admissions Ceiling for Fiscal Year 2010. The Administration's budget documents indicate that the Administration's FY '10 budget would accommodate 80,000 refugee admissions in fiscal year 2010, which the

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<sup>886</sup> The total fiscal year 2009 appropriation for ORR includes \$633.442 MILLION in the regular appropriation and \$82 MILLION from the Fiscal Year 2009 War Supplemental

documents note would be the same number that was planned for in fiscal year 2009.<sup>887</sup>

- Special Immigrant Iraqi and Afghan Arrivals. The Obama budget documents indicate that its 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.<sup>887</sup>
- Domestic Refugee Assistance. Within the Obama fiscal year 2010 budget proposal, it has requested to increase funding for ORR’s resettlement activities by \$54.7 MILLION relative to fiscal year 2009 and to reduce funding for the Division for Unaccompanied Alien Children (DUCS) by \$29.5 MILLION.

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

1. ORR’s Resettlement Activities. The Administration would appropriate \$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 would be \$54.7 MILLION, or 11.2 percent, more than the amount appropriated in fiscal year 2009 for these services. The Administration proposes that all of this increase be allocated to Transitional and Medical Services.
2. Unaccompanied Alien Children. The Administration’s fiscal year 2010 budget submission proposes \$175.6 MILLION for ORR’s Unaccompanied Alien Children program. When funds provided in the fiscal year 2009 war supplemental is taken into account, This would be \$29.5 MILLION, or 14.4 percent, below the amount appropriated for this purpose in fiscal year 2009. the regular fiscal year 2009 process. However, it would be \$52.5 MILLION more than the \$123.1 MILLION that was appropriated for unaccompanied alien children in the regular fiscal year 209 appropriations process.

The Administration justifies its request for funding for unaccompanied alien children by noting new mandates contained in P.L. 110-457, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.<sup>888</sup>

3. 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.
4. 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.

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
<b>SUBTOTAL</b>	<b>\$ 503.4</b>	<b>\$ 489.7</b>	<b>\$ 544.4</b>
Trafficking Victims	\$ 9.8	\$ 9.8	\$ 9.8
Torture Victims	\$ 9.8	\$ 10.8	\$ 10.8
Unaccompanied Alien Children	\$ 132.6	\$ 205.1 <sup>889</sup>	\$ 175.6
<b>TOTAL ORR</b>	<b>\$ 655.6</b>	<b>\$ 715.4<sup>890</sup></b>	<b>\$ 740.6</b>

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.

RCUSA has recommended an appropriation of \$949 MILLION for the Department of Health and Human Services

<sup>887</sup> 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](#)

<sup>888</sup> 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](#)

<sup>889</sup> This amount includes \$123.1 MILLION appropriated in the regular fiscal year 2009 appropriations process and an additional \$82 MILLION appropriated in the fiscal year 2009 war supplemental appropriations bill

<sup>890</sup> This amount includes \$633.4 MILLION appropriated in the regular fiscal year 2009 appropriations process and an additional \$82 MILLION appropriated in the fiscal year 2009 war supplemental appropriations bill

Office of Refugee Resettlement (ORR) in fiscal year 2010.<sup>891</sup> 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. 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. It recommends that 57,000 persons be served by the program in fiscal year 2010. This accounts for approximately \$75 MILLION of the difference between the Obama budget and the community's proposal.
- Emergency Housing Assistance. The pro-refugee advocacy community has sought funding to assist refugees who have lost 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
<b>SUBTOTAL</b>	<b>\$ 494.3</b>	<b>\$ 544.4</b>	<b>\$ 646</b>
Trafficking Victims	\$ 9.8	\$ 9.8	\$ 15
Torture Victims	\$ 10.8	\$ 10.8	\$ 20
Unaccompanied Alien Children	\$ 205.1 <sup>892</sup>	\$ 175.6	\$ 268
<b>TOTAL ORR</b>	<b>\$ 715.4<sup>893</sup></b>	<b>\$ 740.6</b>	<b>\$ 949</b>

Millions of Dollars ☼

**Three House Panels Contemplate Markups of Healthcare Reform Legislation:** While not yet officially scheduled at the time of this writing, three House

<sup>892</sup> This amount includes \$123.1 MILLION appropriated in the regular fiscal year 2009 appropriations process and an additional \$82 MILLION appropriated in the fiscal year 2009 war supplemental appropriations bill

<sup>893</sup> This amount includes \$633.4 MILLION appropriated in the regular fiscal year 2009 appropriations process and an additional \$82 MILLION appropriated in the fiscal year 2009 war supplemental appropriations bill

<sup>891</sup> RCUSA predicates 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

committees could hold separate markups as soon as this week of healthcare reform legislation containing provisions that would significantly impact immigrants: the House Committee on Ways and Means, the House Committee on Education and Labor, and the House Committee on Energy and Commerce.

**Jurisdiction.** Three House panels have jurisdiction over most of the issues embodied in health care reform:

- House Committee on Ways and Means. The House Committee on Ways and Means has jurisdiction over the Medicare program and on taxes.
- House Committee on Energy and Commerce. The House Committee on Energy and Commerce has jurisdiction over the Medicaid program.
- House Committee on Education and Labor. The House Committee on Education and Labor has jurisdiction over access to quality health care for working families and other employee benefits.

The three chairmen have put together a 850-page "Tri-Committee Health Reform Discussion Draft" of a bill making reforms to the nation's health insurance system.<sup>894</sup> The draft measure, which was completed on June 19, 2009,

**Treatment of Noncitizens in the Measure.** Generally speaking, the June 19, 2009, draft bill would bar both undocumented aliens and nonimmigrants from receiving health care benefits pursuant to the bill or from having federal funds spent on their behalf under the bill. It appears that the draft bill would, however, include nonimmigrants, undocumented aliens, and legal immigrants in the list of persons who would either have to purchase health insurance or face a tax penalty for not having done so.

The draft bill would leave unchanged current law regarding the eligibility of aliens for Medicaid and the Children's Health Insurance Program (CHIP).

**Views of the Advocacy Community.** Members of the pro-immigrant advocacy community that have engaged the health care reform debate have suggested the following improvements to the June 19, 2009, draft of the Tri-Committee health care reform bill:

- Five-Year Bar on Eligibility for Medicaid and CHIP. The pro-immigrant advocacy community has suggested repealing the current law's "five-year after entry" bar for aliens who wish to participate in Medicaid and CHIP.

The June 19, 2009, draft bill does not address this issue.

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<sup>894</sup> [Click Here](#) to see the complete text of the Tri-Committee Health Reform Discussion Draft bill. [Click Here](#) to see a summary of the Tri-Committee Health Reform Discussion Draft bill, prepared by House staff

- Treatment of Undocumented Aliens Under Medicaid and CHIP. The pro-immigrant advocacy community has suggested making undocumented children and undocumented pregnant women eligible for Medicaid and CHIP.

The June 19, 2009, draft bill leaves in place current law, which renders undocumented aliens ineligible for CHIP, as well as for all but emergency Medicaid.

- Eligibility of Nonimmigrants for Affordability Credits. The pro-immigrant advocacy community has suggested narrowing the bill's provision (found in section 242(a)(1) of the June 19, 2009, draft bill) that would exclude nonimmigrants from eligibility for an Individual Affordability Credit, which is a federal subsidy established in the bill to help persons purchase health insurance. Advocates contend that by excluding all nonimmigrants from eligibility for the Affordability Credit, the draft health care reform bill would unjustly exclude deserving, vulnerable persons, such as victims of trafficking and victims of domestic violence (T & U visa holders) who are pursuing paths to permanent status, as well as others who have nonimmigrant visas but are in the United States with some permanency.

- Eligibility of Lawfully Present vs. Lawfully Residing Residents for Affordability Credits. The pro-immigrant advocacy community has suggested refining the bill's provision (found in Section 242(a)(1) of the June 19, 2009, draft bill) that would exclude persons who are not "lawfully present" from eligibility for an Individual Affordability Credit, which is a federal subsidy established in the bill to help persons purchase health insurance. Instead of excluding persons who are not "lawfully present" in the United States, the community suggests excluding persons who are not "lawfully residing" in the United States.

- Treatment of Mixed Alienage Families Under the Bill's Individual Affordability Credit. The pro-immigrant advocacy community suggests that the bill permit families to qualify for the Affordable Credit (found in Section 242(a)(2) of the June 19, 2009, draft bill) rather than focusing eligibility on individuals. It suggests this in order to serve everyone on mixed status families.

- General Exclusion of Federal Individual Affordability Credit Payments to Undocumented Aliens. The pro-immigrant advocacy community has expressed concern about the provision in the draft bill (found in Section 242(a)(2) of the June 19, 2009, draft bill) that precludes Federal affordability credits on behalf of individuals who are not lawfully present in the United States. The pro-immigrant advocacy community believes that the language is too broad and needs to be narrowed.

- Impact of Penalty for Persons Who Fail to Purchase Health Insurance on Undocumented Aliens. The Pro-immigrant advocacy community has expressed concern about the Penalty Tax found in Part VIII, Section 59B(d)(2) of the June 19, 2009, draft bill. The advocacy community fears that the exemption in that paragraph of the bill for "non-resident aliens" is both too narrow and too broad. The community justifies its concerns by asserting that the term, "non-resident" is tax term related to physical presence in the United States during the tax year and that the term is unrelated to immigration status while undocumented persons are considered "resident aliens." It believes that it would be a huge problem to have many persons who are ineligible for tax credits, thereby making it unaffordable for them to purchase coverage, yet subject to penalties for not obtaining coverage.
- Outreach to Immigrant and Limited English Proficient Communities. The pro-immigrant advocacy community is concerned that the outreach provisions found in Sec. 205(a)(1) of the June 19, 2009, draft bill do not adequately provide for outreach to persons who cannot speak English very well.

On May 27, 2009, a broad cross-section of the pro-immigrant advocacy community signed onto a document setting forth a number of principles for immigrant inclusion and policies on health care reform. The organizations listed the following principles and policies:

#### **Employer Coverage**

- Nothing in health care reform legislation should impose additional verification/documentation requirements on an individual in order to participate in any new or existing health care program or receive any service based upon the individual's status as an employee beyond proof of employment.
- Health care reform may include provisions that will mandate employer coverage or financial participation. If such employer mandates are adopted, no distinctions for any purpose should be made among workers based upon immigration status.

#### **Eligibility for Subsidies to Purchase Insurance -- Including the Public Plan -- through the Exchange**

- It is vital to the success of health care reform that a public option to private insurance is established. Everyone should be eligible to purchase such an option or to choose a private insurance option, and to receive subsidies to make all such coverage options affordable, free from any restrictions based on immigration status.

#### **Affordability**

- Regardless of how people obtain access to health insurance coverage - through the public plan, a private plan, or through their employer - premiums and copays must be truly affordable so that individuals will not avoid care based on their out-of-pocket contributions

#### **Individual Mandates**

- No mandate to purchase coverage should be in place unless access to affordable options, such as a sliding scale for families under a certain income level to help pay for coverage is available based upon income and without regard to immigration status.

#### **Dependent Coverage**

- If one person in a family or household is eligible for benefits offered by a program and those benefits are generally made available to family members, partners and dependents, any immediate family member or partner regardless of their own immigration status should be eligible for coverage to the same extent as citizen family members and dependents, to ensure that mixed status families have access to affordable health care.

#### **Expand and Strengthen Existing Public Programs**

- Medicaid and CHIP should be expanded to require coverage of all children and pregnant women without regard to immigration status, subject only to the same rules regarding income as are generally applicable, and with no waiting period.
- The "qualified" immigrant category for these programs should be eliminated and coverage should be mandated for all legal immigrants with no waiting period, subject only to the same rules regarding income as are generally applicable. Unnecessary barriers should be removed, such as sponsor deeming and liability
- Medicare, including the "premium buy-in" programs and Medicare savings programs, should be available to all otherwise eligible immigrants who are lawfully present in the U.S.
- Funding for the safety net should be preserved and strengthened. Many people will continue to receive some care through the patchwork of safety net hospitals and clinics that comprise the only health care available in many areas of the U.S. Safety net funding such as DSH should not be used to finance the exchange but instead should be re-invested more efficiently in providing services and incentives to providers to serve their communities without discrimination.

## Quality

- We support efforts to ensure payment for and provision of language services to limited English proficient beneficiaries in all private plans, any new public option, and all existing public programs, including Medicare, Medicaid and CHIP.
- Workforce diversity initiatives should address the need for bilingual workforce development programs for communities where language services are most needed.
- Resources should be available for community-based organizations to facilitate access to health care within their communities and promote wellness, preventive care and positive health outcomes through education and empowerment.
- There should be greater monitoring and enforcement of civil rights laws that prevent discrimination based on race, ethnicity, and national origins in health care services.
- Data regarding primary language, race, and ethnicity should be collected and utilized to improve healthcare delivery.

**Outlook.** The chairs of the three House committees of jurisdiction had planned to introduce a health care reform bill based on the June 19, 2009, draft on Friday, July 10, 2009. However, disputes between key Democrats over the provisions in the bill prevented the chairmen from doing so.

At the time of this writing, the three chairmen had planned to introduce the bill on Monday, July 13, 2009, and to conduct markups of the bill in their respective committees during the week. However, that timing could easily slip. It is unclear to what degree the three committees will be sensitive to the pro-immigrant advocacy community's concerns. ☼

## Senate

At the time of this writing, no markups had been scheduled for this week in the Senate at which significant immigration- or refugee-related matters are expected to be considered. ◇

## *This Week's Floor Activity*

At the time of this writing, only one measure containing significant immigration- or refugee-related provisions is likely to see House or Senate floor action this week:

- Torture Victims Relief Act Reauthorization. The full House of Representatives is expected to take up legislation reauthorizing programs under the Torture Victims Relief Act

## House

**House to Take Up Bill Reauthorizing Programs Under the Torture Victims Protection Act:** The full House of Representatives this week is scheduled to take up legislation authorizing funding for programs to assist the victims of torture who are resettled in the United States. This week's House floor action will take place in connection with [H.R. 1511](#), the "Torture Victims Relief Reauthorization Act of 2009". The House is scheduled to take up the measure on Tuesday, July 14, 2009.

**Parliamentary Situation.** The House is expected to take up H.R. 1511 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.

**Legislative History.** Representative Christopher Smith (R-NJ) introduced H.R. 1511 on March 16, 2009. It was referred to two committees: the House Committee on Foreign Affairs and House Committee on Energy and Commerce. Neither committee has held a hearing or markup of the measure. The two committees are expected to be discharged from considering the measure and the measure is being brought directly to the House floor.

**Summary of Immigration- and Refugee-Related Provisions.** As introduced, H.R. 1511 contains a number of provisions. Among them is Section 2, which would authorize up to \$25 MILLION in each of fiscal years 2010 and 2011 for the Department of Health and Human Services to fund domestic treatment centers for trafficking victims.

**Outlook.** At the time of this writing, it did not appear as though H.R. 1511 would generate any controversy. ☼ ◇

## *This Week's Conference Activity*

At the time of this writing, only one measure containing significant immigration- or refugee-related provisions is pending before a conference committee:

- FY '10 Funding for Immigration Services, Immigration Enforcement, and Border Security. The full House and Senate have each passed their respective versions of H.R. 2892, the Fiscal Year 2010 Homeland Security Appropriations Bill.

**Conferees Have Significant Differences to Resolve on Fiscal Year 2010 Homeland Security Appropriations Bill:** The House and Senate have passed differing versions of H.R. 2892, the Fiscal Year 2010 Homeland Security Appropriations Act, which funds immigration enforcement, immigration services, and border

security departments, agencies, programs, activities, and functions of federal government. Conferees could meet at any time to begin to resolve the differences between the two versions of the measure.

**Legislative History.** The following is a brief legislative history of the [House-passed](#) and [Senate-passed](#) versions of the Fiscal Year 2010 Homeland Security Appropriations Act:

- House Committee Actions.

1. On June 8, 2009, the House Appropriations Subcommittee on Homeland Security marked up its version of H.R. 2892, forwarding the measure to the full House Committee on Appropriations.<sup>895</sup>
2. On June 12, 2009, the full House Committee on Appropriations held a markup session, ordering that the bill be reported to the full House of Representatives as an original measure.<sup>896</sup>
3. On June 16, 2009, the full House Committee on Appropriations formally reported H.R. 2892 to the House of Representatives.<sup>897</sup>

- House Floor Actions.

1. On June 24, 2009, the full House of Representatives took up H.R. 2892, passing it by a vote of 389-37<sup>898</sup>

- Senate Committee Actions.

1. On June 17, 2009, the Senate Appropriations Subcommittee on Homeland Security marked up its version of S. 1298, forwarding the measure to the full Senate Committee on Appropriations.
2. On June 18, 2009, the full Senate Committee on Appropriations held a markup session, approving [S.](#)

[1298](#)<sup>899</sup> and formally reporting the measure to the full Senate.<sup>900</sup>

- Senate Floor Actions.

1. On July 7, 2009, the full Senate took up H.R. 2892, considering the text of S. 1298 for the purposes of floor amendments.
2. On July 9, 2009, the full Senate passed its version of H.R. 2892 by a vote of 84-6.<sup>925</sup>

**Key Immigration-Related Funding Differences.** There are a number of significant differences in the level of funding in the House- and Senate-passed bills for various bureaus and programs. The most prominent difference is found in the area of appropriations for U.S. Citizenship and Immigration Services (USCIS). The House-passed bill would appropriate \$2.8 BILLION for USCIS, including \$298 MILLION in directly appropriated funds. However, the Senate-passed bill would appropriate \$2.639 BILLION for USCIS, including only 135.7 MILLION in directly appropriated funds. The big difference between the two chambers on USCIS appropriations is that the House would fund close to half of the Obama Administration's \$201 MILLION request for direct appropriations to fund refugee and asylum adjudications. The Senate did not fund any of the Administration's request for that item.

**Key Immigration-Related Policy Differences.** There are enormous differences between the House- and Senate-passed bills on immigration policy matters. Included in the House-passed measure is a two year-long authorization of the controversial E-Verify program. However, the Senate-passed bill included numerous immigration-related policy provisions. For instance, the Senate-passed bill contains provisions that would permanently authorize the E-Verify System; make the use of the E-Verify System mandatory for federal contractors; permanently extend authorization for the EB-5 Regional Center Program; extend the Special Immigrant Non-Minister Religious Worker and Conrad State 30 J-1 Visa Waiver programs for three years; provide immigration relief to widows and orphans of deceased U.S. citizens and permanent residents; bar the Administration from taking certain actions with regard to the SSA No-Match letters; and increase mandates with regard to construction of fencing along the U.S. border with Mexico.

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<sup>895</sup> See Pages 634-641 of [June 15, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the June 8, 2009, House Appropriations Subcommittee on Homeland Security markup of the fiscal year 2010 Homeland Security Appropriations bill

<sup>896</sup> See Pages 634-641 of [June 15, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the June 12, 2009, full House Appropriations Committee markup of the fiscal year 2010 Homeland Security Appropriations bill

<sup>897</sup> See Pages 703-707 of the [June 29, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the full House of Representatives' consideration of H.R. 2892

<sup>898</sup> [House Roll Call No. 450](#), June 24, 2009

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<sup>899</sup> [S. Rept. 111-31](#), June 18, 2009

<sup>900</sup> See Pages 673-678 of the [June 22, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the June 18, 2009, Senate Appropriations Committee and the June 17, 2009, Senate Appropriations Subcommittee on Homeland Security markup of the Fiscal Year 2010 Homeland Security Appropriations bill

Some of the policy matters included in the Senate-passed version of H.R. 2892 are extraordinarily controversial and will make for a number of difficult issues to address during the upcoming House-Senate conference committee deliberations.

**Side-by-Side Comparison.** See the Appendix section of this week's edition of the Weekly Legislative Update for a side-by-side comparison of some of the key immigration-related policy provisions that appear in the House- and Senate-passed versions of the Fiscal Year 2010 Homeland Security Appropriations Act. Next week's edition will contain a more complete side-by-side comparison of these two versions of the measure that focuses more completely on funding and enforcement matters that are addressed in the two versions of the measure. ☼ ◇

## ***This Week's Executive Activity***

No items this week. ◇

## ***Last Week's Legislative Activity***

### Last Week's Hearings

Congress held one hearing last week at which significant immigration- or refugee-related matters were discussed:

- The Rise of the Mexican Drug Cartels and U.S. National Security. The House Oversight and Government Reform Committee held a hearing on the rise of the Mexican drug cartels and U.S. national security.

### **House Committee Holds Hearing on the Rise of Mexican Drug Cartels and U.S. National Security:**

The House Committee on Oversight and Government Reform held a hearing last week on the rise of Mexican drug cartels and U.S. national security. Last week's hearing occurred on Thursday, July 9, 2009.

**Witnesses.** The witnesses at last week's hearing included the following:

#### Panel I

- Alan Bersin, Assistant Secretary, Office of International Affairs, Department of Homeland Security;
- R. Gil Kerlikowske, Director, Office of National Drug Control Policy, Executive Office of the President; and
- Lanny A. Breuer, Assistant Attorney General, Criminal Division, Department of Justice;

#### Panel II

- Todd Owen, Acting Deputy Commissioner, Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security;
- Kumar Kibble, Deputy Director, Office of Investigations Customs and Border Protection, Department of Homeland Security;
- Anthony P. Placido, Assistant Administrator for Intelligence, Drug Enforcement Administration, U.S. Department of Justice;
- William Hoover, Assistant Director for Field Operations, Bureau of Alcohol, Tobacco, Firearms, and Explosives, U.S. Department of Justice; and
- J. Robert McBrien, Associate Director for Investigations and Enforcement, Office of Foreign Assets Control, United States Department of the Treasury.

**Opening Statements.** The following summarizes the immigration- and refugee-related comments that were contained in opening statements made by Members at last week's hearing:

- Chairman Towns. House Oversight and Government Reform Committee Chairman Edolphus Towns (D-NY) did not make any immigration-related comments in his opening statement.<sup>901</sup>
- Ranking Republican Issa. House Oversight and Government Reform Committee Ranking Republican Darryl Issa (R-CA) did not make any immigration-related comments in his opening statement.<sup>902</sup>

**Prepared Testimony.** The following summarizes the immigration and refugee-related references made by witnesses in their prepared testimony for last week's hearing:

#### Panel I

- Alan Bersin. In his prepared testimony, Assistant Secretary Alan Bersin told the Committee about efforts the Administration is making to combat border violence and confront drug cartels in Mexico. However, he did

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<sup>901</sup> [Click Here](#) to see the complete text of the prepared statement by House Oversight and Government Reform Committee Chairman Edolphus Towns at the July 9, 2009, Committee hearing on the rise of Mexican drug cartels and U.S. national security

<sup>902</sup> [Click Here](#) to see the complete text of the prepared statement by House Oversight and Government Reform Committee Ranking Republican Darryl Issa (R-CA) at the July 9, 2009, Committee hearing on the rise of Mexican drug cartels and U.S. national security

not make any immigration-related comments in his prepared testimony.<sup>903</sup>

- R. Gil Kerlikowske. Director Kerlikowske told the Committee about efforts that are underway to interdict drugs that are intended to be smuggled into the United States. However, he did not make any immigration-related comments in his prepared testimony.<sup>904</sup>
- Lanny A. Breuer. Assistant Attorney General Lanny Breuer testified on behalf of himself, as well as Assistant Director Hoover and Assistant Administrator Placido, who were listed as witnesses on the second panel. In their prepared testimony, the three witnesses told the Committee about the Department of Justice's work, in coordination with other federal departments and agencies, to combat drug cartels operating in Mexico and in the United States. However, the three witnesses did not make significant comments about immigration in their prepared testimony.<sup>905</sup>

#### Panel II

- Todd Owen. Acting Deputy Commissioner Todd Owen made extensive comment during his prepared testimony about U.S. operations along the U.S. border with Mexico and Canada.<sup>906</sup> He told the Committee that, "[a]s of May 31, 2009, we have determined that 894 miles of border are under effective control. This includes 697 miles along the southwest border, 32 along the northern border and 165 in the coastal regions." Acting Deputy Commissioner Owen went on to say that "[a]cross the

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<sup>903</sup> [Click Here](#) to see the complete text of the prepared testimony of Assistant Secretary of Homeland Security for International Affairs Alan Bersin at the July 9, 2009, House Oversight and Government Reform Committee hearing on the rise of Mexican drug cartels and U.S. national security

<sup>904</sup> [Click Here](#) to see the complete text of the prepared testimony of Office of National Drug Control Policy Director R. Gil Kerlikowske at the July 9, 2009, House Oversight and Government Reform Committee hearing on the rise of Mexican drug cartels and U.S. national security

<sup>905</sup> [Click Here](#) to see the complete text of the prepared joint testimony of Assistant Attorney General Lanny A. Breuer, Bureau of Alcohol, Tobacco, Firearms, and Explosives Assistant Director of Field Operations William Hoover, and Drug Enforcement Administration Assistant Administrator for Intelligence Anthony P. Placido at the July 9, 2009, House Oversight and Government Reform Committee hearing on the rise of Mexican drug cartels and U.S. national security

<sup>906</sup> [Click Here](#) to see the complete text of the prepared testimony of Acting Deputy Commissioner of the Office of Investigations at Customs and Border Patrol Todd Owen at the July 9, 2009, House Oversight and Government Reform Committee hearing on the rise of Mexican drug cartels and U.S. national security

southwest border, we have made significant strides in increasing our situational awareness and tactical advantage over those seeking to violate our laws. With increased situational awareness, we can better understand where we have the highest threats and vulnerabilities, and assess where we need to apply our resources. Situational awareness also enables our agents to perform their jobs more safely and more effectively. This is especially critical during times such as these where we are experiencing higher levels of violence at our Nation's borders."

Acting Deputy Commissioner Owen detailed for the Committee both the Administration's plans along the border and what it has done to execute those plans.

- Kumar Kibble. In his prepared testimony, Deputy Director Kumar Kibble made extensive comment about efforts that ICE is making, in coordination with state, local, and tribal governments, as well as with other federal agencies and departments to enforce U.S. immigration, drug, and customs laws. However, very little of his testimony focused on immigration-related matters.<sup>907</sup>
- J. Robert McBrien. Associate Director McBrien did not address any immigration-related matters in his prepared testimony before the Committee.<sup>908</sup> ☼

#### Last Week's Markups

Congressional committees last week took three actions on legislation that had implications for immigration- or refugee-related matters. Two of the actions took place in the House and the other occurred in the Senate:

- FY '10 Appropriations for Refugee Resettlement. The House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies marked up its version of the Fiscal Year 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill;
- FY '10 Appropriations for Refugee Admissions and Overseas Refugee Assistance. The Senate Appropriations Committee approved its version of the

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<sup>907</sup> [Click Here](#) to see the complete text of the prepared testimony of Deputy Director of the Department of Homeland Security's Office of Investigations Kumar Kibble at the July 9, 2009, House Oversight and Government Reform Committee hearing on the rise of Mexican drug cartels and U.S. national security

<sup>908</sup> [Click Here](#) to see the complete text of the prepared testimony of Office of Foreign Assets Control Investigations and Enforcement Associate Director J. Robert McBrien at the July 9, 2009, House Oversight and Government Reform Committee hearing on the rise of Mexican drug cartels and U.S. national security

Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill; and

- Illegal Immigrants in Public Housing. The House Financial Services Committee confronted the issue of illegal immigrants in public housing.

**House Appropriations Panel Approves Bill Appropriating FY '10 Funds for Refugee Resettlement, Unaccompanied Alien Children, Trafficking Victim Assistance, and Torture**

**Victim Assistance:** The House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies last week approved its version of the bill that appropriates funds for the Department of Health and Human Services Office of Refugee Resettlement. The details of the Subcommittee-approved measure and of the draft committee report that will accompany it had not been made public at the time of this writing. However, the Subcommittee has revealed that the measure would appropriate \$714.968 MILLION for Refugee and Entrant Assistance in fiscal year 2010.

The Subcommittee contends that the bill would increase ORR's fiscal year 2010 funding by nearly 13 percent relative to fiscal year 2009. However, in reality, the bill would actually reduce the fiscal year 2010 ORR appropriation relative to the fiscal year 2009 appropriation by \$432,000. This is so because the actual amount that has been appropriated for fiscal year 2009 is \$715.4 MILLION, which includes \$633.4 MILLION appropriated in the regular appropriations process and another \$82 MILLION that was provided in the recently enacted fiscal year 2009 war supplemental appropriations bill. Moreover, the Subcommittee-approved Fiscal Year 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill would reduce ORR's fiscal year 2010 funding relative to the President's fiscal year 2010 budget request by \$25.2 MILLION. Last week's Subcommittee action occurred in connection with the yet-to-be-introduced Fiscal Year 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill. The Subcommittee approved its version of the measure on Friday, July 10, 2009, by a voice vote.

**Next Steps.** Now that the House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies has approved its version of the Fiscal Year 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill, the next step in the legislative process is for the full Committee on Appropriations to take up the measure. The House Committee on Appropriations has scheduled a markup of the measure for 9:00 am on Friday, July 17, 2009, in Room 2358 of the Rayburn House Office Building. ☀<sup>909</sup>

<sup>909</sup> See Pages 755-757 of this week's edition of the Weekly Legislative Update for a preview of this week's House

**Senate Appropriations Committee Approves Bill Appropriating FY '10 Funds for Refugee Admissions and Overseas Refugee Assistance:**

The Senate Committee on Appropriations last week approved its version of the bill that appropriates funds for refugee admissions and overseas refugee assistance. Included in the Committee-reported measure are substantial increases in funding for Migration and Refugee Assistance (MRA) and International Disaster Assistance (IDA), relative to appropriations for those accounts during the regular fiscal year 2009 appropriations cycle. However, when supplemental fiscal year 2009 appropriations spending is taken into account, the Committee-approved measure would provide an increase of only \$7 MILLION in fiscal year 2010 for the MRA account than the total amount that was appropriated for that account in fiscal year 2009. Last week's committee action occurred in connection with [S. 1434](#), the Senate version of the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill.<sup>910</sup> The Committee approved the measure on Thursday, July 9, 2009, by vote of 29-1, and formally reported it to the full Senate.

**Legislative History.** The following is a brief legislative history of the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Act:

- House Committee Actions.
  1. On June 17, 2009, the House Appropriations Subcommittee on State, Foreign Operations, and Related Programs marked up its version of H.R. 3081, forwarding the measure to the full Committee on Appropriations.<sup>911</sup>
  2. On June 23, 2009, the full House Committee on Appropriations held a markup session, ordering that H.R. 3081 be reported to the full House of Representatives as an original measure.<sup>912</sup>

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*Appropriations Committee markup of the Fiscal Year 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill*

<sup>910</sup> [S. Rept. 111-44](#), July 9, 2009

<sup>911</sup> See Page 678 of [June 22, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the June 17, 2009, House Appropriations Subcommittee on State, Foreign Operations, and Related Programs markup of the fiscal year 2010 State, Foreign Operations, and Related Programs Appropriations bill

<sup>912</sup> See Pages 700-702 of [June 29, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the June 23, 2009, House Appropriations Committee markup of the fiscal year 2010 State, Foreign Operations, and Related Programs Appropriations bill

3. On June 26, 2009, the full House Committee on Appropriations formally reported H.R. 3081 to the full House of Representatives.<sup>913</sup>

• House Floor Actions.

1. On July 9, 2009, the full House of Representatives passed H.R. 3081 by a vote of 318-106.<sup>914</sup>

• Senate Committee Actions.

1. On July 9, 2009, the Senate Committee on Appropriations marked up its version of S. 1434 and reported it to the full Senate.<sup>915</sup>

**Summary of Immigration- and Refugee-Related Appropriations.** As reported by the Senate Committee on Appropriations, S. 1434 contains the following immigration- and refugee-related appropriations:<sup>916</sup>

• Funding for Refugee Admissions and Overseas Assistance to Refugees. The Senate Appropriations Committee-approved version of S. 1434 would appropriate \$1.678 BILLION for the Department of State's Migration and Refugee Assistance (MRA) account. This would represent an increase of \$7 MILLION when compared to the amount that has been appropriated for MRA in fiscal year 2009.<sup>917</sup> It represents an increase of \$197.4 MILLION over the amount that the Obama Administration requested in its fiscal year 2010 budget request.

• Transfer from ESF to MRA Account for Colombian Refugees. The Senate Appropriations Committee-reported version of S. 1434 would appropriate \$10 MILLION to the Economic Support Fund (ESF) for Columbia, which the bill requires be transferred from the ESF account to the Migration and Refugee Assistance account. The bill requires that the funds be made available only for 16 nongovernmental organizations that

provide direct services 17 to Colombian refugees and host communities in Ecuador 18 and other neighboring countries

• Funding for Emergency Refugee and Migration Assistance. The Senate Appropriations Committee-reported version of S. 1434 would appropriate \$75 MILLION to replenish the Emergency Refugee Migration Assistance (ERMA) account. This would be an increase of \$35 MILLION compared to the \$40 MILLION that was appropriated in fiscal year 2009 for the ERMA account and the same amount that was appropriated for ERMA in fiscal year 2009.

• Funding for International Disaster Assistance. The Senate Appropriations Committee-reported version of S. 1434 would appropriate \$855 MILLION in fiscal year 2010 for the International Disaster Assistance account (IDA). This would be \$35 MILLION above the amount appropriated for IDA in fiscal year 2009<sup>918</sup> and \$25 MILLION below the amount that the Administration requested for fiscal year 2010.

• Funding for Burmese Internally Displaced Persons. Section 7071(b)(2) of the Senate Appropriations Committee-reported version of S. 1434 would provide that not less than \$4 MILLION of funds appropriated for ESF shall be made available for 24 community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma.

• Assistance to Refugees from North Korea. Section 7071(f)(1) of the Senate Appropriations Committee-reported version of S. 1434 specifies that MRA funds are to be used to assist refugees from North Korea.

• Conditions on Assistance to the Russian Federation. Section 7073(c)(1) of the Senate Appropriations Committee-reported version of S. 1434 would condition assistance to government of the Russian Federation, providing that 60 percent of such funds shall be withheld from obligation until the government meets a number of conditions. Among the conditions is that the government must provide full access to international nongovernment organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

<sup>913</sup> [H. Rept. 111-187](#), June 26, 2009

<sup>914</sup> [House Roll Call No. 525](#), July 9, 2009

<sup>915</sup> [S. Rept. 111-44](#), July 9, 2009

<sup>916</sup> See Pages 786-787 of this week's edition of the Weekly Legislative Update for extended excerpts from S. Rept. 111-[insert], the committee report accompanying the Senate Appropriations Committee-approved version of H.R. 3081

<sup>917</sup> The fiscal year 2009 level of appropriations for the MRA account includes \$931 MILLION that was appropriated in the regular appropriations bill and total of \$740 MILLION that has been appropriated so far in fiscal year 2009 in supplemental appropriations bills

The chart that follows compares refugee-related funding in the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Act with fiscal year 2009 funding and the Administration's fiscal year 2010 budget submission:

<sup>918</sup> The fiscal year 2009 level of appropriation includes \$350 MILLION that was appropriated in the regular appropriation bill and a total of \$470 MILLION that was appropriated so far in fiscal year 2009 in supplemental appropriations bills

**Comparison of Fiscal Year 2009 and 2010 Funding  
for MRA, ERMA, and IDA**

ITEM	'09 Actual	'10 OMB	'10 House	'10 Senate
MRA <sup>917</sup>	\$ 1,671	\$ 1,480	\$ 1,480	\$1,678
ERMA <sup>918</sup>	\$ 40	\$ 75	\$ 75	\$ 75
IDA	\$ 820	\$ 880	\$ 830	\$ 855

Millions of Dollars

**Legislative Riders.** The Senate Appropriations Committee-approved version of S. 1434 contains the following legislative riders:

- Extension of the "Lautenberg Amendment". Section 7034(f) of the Senate Appropriations Committee-reported version of S. 1434 would extend a provision of law, popularly known as the "Lautenberg amendment," which is set to expire at the end of fiscal year 2009. The Lautenberg Amendment provides for a relaxed adjudicatory standard for former Soviet and Indochinese nationals to prove refugee status, and provides for adjustment to LPR status for certain former Soviet and Indochinese nationals denied refugee status. The measure also provides a relaxed adjudicatory standard for certain Iranian religious minorities.
- Extension of "McCain Kids Amendment". Section 7034(a) of the Senate Appropriations Committee-reported version of S. 1434 would extend a provision of law, popularly known as the "McCain Kids Amendment", which makes the adult children of certain Vietnamese refugees eligible for U.S. refugee resettlement. The provision is set to expire at the end of September, 2009. Section 7034(a) would extend it through September 30, 2010.

**Committee Directives.** The committee report accompanying the Senate Appropriations Committee-approved version of H.R. 3081 contains the following immigration- and refugee-related directives:<sup>916</sup>

- Assistance to Refugees and IDPs with Disabilities. The committee report accompanying S. 1434 indicates that the Committee " directs the Secretary of State and USAID Administrator to work with other governments and humanitarian organizations to ensure that assistance programs take into account the special needs of persons with disabilities and that they are included in the design and implementation of programs."<sup>919</sup>
- Burmese Refugees and IDPs. The committee report accompanying S. 1434 expresses the Committee's

concern with refugees and IPDs in Burma and Thailand and "recommends the Secretary of State provide assistance to meet these needs in a timely manner."<sup>919</sup>

- Limitation on Funding for Migrants to Israel. The committee report accompanying S. 1434 provides that no funds under the Migration and Refugee Assistance header designated for Migrants to Israel may be used to support migrants who reside in settlements or outposts in the West Bank.<sup>919</sup>
- Disappointment with the Number of North Korean Refugees Admitted to the United States. The committee report accompanying S. 1434 expresses disappointment with the low number of North Korean refugees who have resettled in the United States since the enactment of Public Law 110-346, which directs the Department of State to facilitate such resettlements. The committee report indicated that the committee was directing the Secretary of State to significantly increase the number of resettlements, consistent with the law.<sup>920</sup> Moreover, the committee report indicated that the committee was directing the Secretary of State to "submit a report, not later than 60 days after enactment of this act, detailing the measures and improvements to be taken by the Department of State to facilitate a significant increase in the admission and resettlement of North Korean refugees to the United States."<sup>921</sup>
- Lack of Resources for Refugee Resettlement. The committee report accompanying S. 1434 indicates that " The Committee "is concerned with the lack of sufficient resources for Iraqi and other refugees resettling in the United States due to funding shortfalls of resettlement organizations caused by the financial crises, and directs the Department of State to consult with the Committee on efforts to address this need."<sup>922</sup>

**Committee Consideration and Amendments.** No refugee-related amendments were offered to S. 1434 during the Senate Appropriations Committee markup of the measure.

**Views of the Advocacy Community.** The pro-refugee advocacy community, represented by Refugee Council USA (RCUSA), the nation's leading coalition of refugee resettlement, human rights, and humanitarian organizations, expressed cautious praise for the Obama Administration's fiscal year 2010 budget proposals for the Department of State's MRA account. Nonetheless, it has urged House and Senate appropriators to provide substantially more in funding

<sup>919</sup> [S. Rept. 111-44, Page 63](#)

<sup>920</sup> [S. Rept. 111-44, Page 64](#)

<sup>921</sup> [S. Rept. 111-44, Page 64](#)

<sup>922</sup> [S. Rept. 111-44, Page 64](#)

for the Department's MRA, ERMA, and IDA accounts than the Administration requested.<sup>923</sup>

- **MRA Account.** RCUSA has asked Congress to appropriate \$2.05 BILLION for the MRA account in fiscal year 2010. That is \$372 MILLION more than is contained in the Senate Appropriations Committee-reported version of S. 1434 and \$570 MILLION more than is contained the House-passed version of H.R. 3081, the Senate and House versions of the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Act. It also is \$379.4 MILLION more than the amount that has been appropriated so far in fiscal year 2009 for the account.

The biggest differences between RCUSA's recommendations for the MRA account and the Administration's request are found in two areas.

1. **Refugee Admissions.** First, RCUSA has recommended \$251.5 MILLION more for refugee admissions in fiscal year 2010 than the Administration requested, enough to accommodate at least 45,000 more refugee Admissions than the Administration is planning for.<sup>924</sup>
  2. **Overseas Refugee Assistance.** Second, RCUSA has recommended \$302 MILLION more for overseas assistance to refugees than the Administration has requested.
- **ERMA Account.** RCUSA has asked Congress to appropriate \$200 MILLION for the ERMA account in fiscal year 2010. That is \$125 MILLION more than the \$75 MILLION that is contained in both the Senate Appropriations Committee-reported version of S. 1434 and the House-passed version of H.R. 3081, the Senate and House versions of the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Act. It also is \$160 MILLION more than the amount that was appropriated for ERMA in fiscal year 2009.
  - **IDA Account.** RCUSA has asked Congress to appropriate \$1.12 BILLION for the Agency for International Development's IDA account in fiscal year 2010. That is \$265 MILLION more is included for the IDA account in the Senate Appropriations Committee-

<sup>923</sup> [Click Here](#) to see a backgrounder prepared by RCUSA in which it expresses its views on the proper level of fiscal year 2010 funding for the MRA, ERMA, and IDA accounts

<sup>924</sup> The RCUSA recommended level of funding for refugee admissions assumes 125,000 refugee admissions in fiscal year 2010 compared with the Administration's planned for 80,000 admissions in the fiscal year.

reported version of S. 1434 and \$290 MILLION more than is included in the House-passed version of H.R. 3081, the Senate and House versions of the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Act. It also is \$240 MILLION more than Administration requested for fiscal year 2010.

**Next Steps.** Now that the Senate Committee on Appropriations has approved its version of the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill and reported it to the full Senate, the next step in the legislative process is for full Senate to take up the measure. The Senate leadership has not yet indicated when it will schedule Senate floor consideration of the measure. ☀

**House Committee Confronts Issue of Illegal Immigrants in Public Housing:** The House Committee on Financial Services last week agreed to a provision that would require all adult residents in public housing where the household makes use of federal housing vouchers to present at least one of several specified forms of identification. Last week's Committee action occurred in connection with [H.R. 3045](#), the Section 8 Voucher Reform Act of 2009.

**Summary of Immigration- and Refugee-Related Appropriations Provisions.** H.R. 3045 seeks to widen access to Section 8 housing vouchers, under which qualifying low-income families can secure government rental subsidies.

As introduced, H.R. 3045 did not contain any immigration- or refugee-related provisions.

**Committee Consideration and Amendments.** The House Committee on Financial Services last week began marking up H.R. 3045, holding markup sessions on Wednesday, July 8, 2009, and Thursday, July 9, 2009. The Committee did not complete the markup and expects to continue it this week. The following is the only immigration-related amendment that has been offered so far during the markup:

- **PRICE IDENTIFICATION AMENDMENT.--** Representative Tom Price (R-GA) offered an amendment to H.R. 3045 that would require all adult residents in public housing where the household makes use of federal housing vouchers to present at least one of several specified forms of identification.

The Committee agreed to the [Price Amendment](#) by a vote of 37-31.

**Next Steps.** The House Committee on Financial Services is expected to continue its markup of H.R. 3045 this week. ☀

### Last Week's Floor Actions

Floor action occurred last week on two measures containing significant immigration- or refugee-related provisions:

- FY '10 Funding for Immigration Services, Immigration Enforcement, and Border Security. The full Senate passed its version of the Fiscal Year 2010 Homeland Security Appropriations Bill; and
- FY '10 Appropriations for Refugee Admissions and Overseas Refugee Assistance. The full House of Representatives passed its version of the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill.

**Senate Passes FY '10 Bill Appropriating Funds for Immigration Services, Immigration Enforcement, and Border Security:** The Senate last week passed its version of the fiscal year 2010 appropriations bill that funds immigration services, immigration enforcement, and border security operations. The measure would make deep cuts in the Obama Administration's request for immigration services. However, notwithstanding those cuts, from an immigration perspective, the [Senate-passed version](#) of the measure is most notable for the legislative riders that were attached to the measure on the Senate floor. Among them are provisions that would permanently authorize the E-Verify System; make the use of the E-Verify System mandatory for federal contractors; permanently extend authorization for the EB-5 Regional Center Program; extend the Special Immigrant Non-Minister Religious Worker and Conrad State 30 J-1 Visa Waiver programs for three years; provide immigration relief to widows and orphans of deceased U.S. citizens and permanent residents; bar the Administration from taking certain actions with regard to the SSA No-Match letters; and increase mandates with regard to construction of fencing along the U.S. border with Mexico. Last week's Senate floor action occurred in connection with the Senate version of H.R. 2892, the Fiscal Year 2010 Homeland Security Appropriations Bill. The Senate took up the measure beginning on Tuesday, July 7, 2009. The Senate passed the bill on Thursday, July 9, 2009, by a vote of 84-6.<sup>925</sup>

**Legislative History.** The Senate Committee on Appropriations reported the Senate version of the Fiscal Year 2010 Homeland Security Appropriations Act to the full Senate as [S. 1298](#).<sup>926</sup> However, as a technical matter, floor action occurred on H.R. 2892.

The following is a brief legislative history of the Fiscal Year 2010 Homeland Security Appropriations Act:

<sup>925</sup> [Senate Roll Call No. 229](#), July 9, 2009

<sup>926</sup> [S. Rept. 111-31](#), June 18, 2009

- House Committee Actions.

1. On June 8, 2009, the House Appropriations Subcommittee on Homeland Security marked up its version of H.R. 2892, forwarding the measure to the full House Committee on Appropriations.<sup>927</sup>
2. On June 12, 2009, the full House Committee on Appropriations held a markup session, ordering that the bill be reported to the full House of Representatives as an original measure.<sup>928</sup>
3. On June 16, 2009, the full House Committee on Appropriations formally reported H.R. 2892 to the House of Representatives.

- House Floor Actions.

1. On June 24, 2009, the full House of Representatives took up H.R. 2892, passing it by a vote of 389-37.<sup>929</sup>

- Senate Committee Actions.

1. On June 17, 2009, the Senate Appropriations Subcommittee on Homeland Security marked up its version of S. 1298, forwarding the measure to the full Senate Committee on Appropriations.
2. On June 18, 2009, the full Senate Committee on Appropriations held a markup session, approving [S. 1298](#).<sup>930</sup> and formally reporting the measure to the full Senate.<sup>931</sup>

<sup>927</sup> See Pages 634-641 of [June 15, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the June 8, 2009, House Appropriations Subcommittee on Homeland Security markup of the fiscal year 2010 Homeland Security Appropriations bill

<sup>928</sup> See Pages 634-641 of [June 15, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the June 12, 2009, full House Appropriations Committee markup of the fiscal year 2010 Homeland Security Appropriations bill

<sup>929</sup> [House Roll Call No. 450](#), June 24, 2009

<sup>930</sup> [S. Rept. 111-31](#), June 18, 2009

<sup>931</sup> See Pages 673-678 of the [June 22, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the June 18, 2009, Senate Appropriations Committee and the June 17, 2009, Senate Appropriations Subcommittee on Homeland Security markup of the Fiscal Year 2010 Homeland Security Appropriations bill

- Senate Floor Actions.
  1. On July 7, 2009, the full Senate took up H.R. 2892, considering the text of S. 1298 for the purposes of floor amendments.
  2. On July 9, 2009, the full Senate passed its version of H.R. 2892 by a vote of 84-6.<sup>925</sup>

**Summary of Immigration- and Refugee-Related Appropriations Provisions.** As passed by the Senate, H.R. 2892 would appropriate--

- Funding for Immigration Services Ombudsman. \$6.685 MILLION for the U.S. Citizenship and Immigration Services Ombudsman. The report notes that this would be \$250,000 less than the amount the Administration requested and \$214,000 more than was provided in fiscal year 2009 for that purpose.
- Funding for U.S. Citizenship and Immigration Services. \$2.639 BILLION for U.S. Citizenship and Immigration Services (USCIS), including \$136 MILLION in directly appropriated funds and \$2.503 BILLION in fee generated revenue. The directly appropriated funds would be \$228 MILLION below the Administration's request and \$36 MILLION more than was directly appropriated for USCIS in fiscal year 2009.
- Funding for Customs and Border Protection. \$11.602 BILLION in total resources for the U.S. Customs and Border Protection (CBP) component of the Department of Homeland Security. This includes \$10.170 BILLION in directly appropriated funds and \$1.432 BILLION in fee-generated funds. The appropriation would be \$347 MILLION less than was appropriated for CBP in fiscal year 2009<sup>932</sup> and \$120.5 MILLION more than the Administration requested for fiscal year 2010.
- Funding for Immigration and Customs Enforcement. S. \$5.75 BILLION in total resources for the United States Immigration and Customs Enforcement (ICE) component of the Department of Homeland Security. This includes \$5.445 BILLION in directly appropriated funds and \$304.8 MILLION in fee-generated funds. The appropriation would be \$436 MILLION more than was appropriated for ICE in fiscal year 2009 and \$12.9 MILLION less than the Administration's requested for fiscal year 2010.

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<sup>932</sup> *The fiscal year 2009 appropriation for the Department of Homeland Security's Customs and Border Protection includes \$680 MILLION in supplemental funding that was appropriated in P.L. 111-5, the American Recovery and Reinvestment Act of 2009 (Economic Stimulus Bill)*

- Funding for the US-VISIT System. \$378.194 MILLION for the US-VISIT system. This is \$22 MILLION above the amount requested by the Administration.

**Legislative Riders and Limitations.** The Senate-passed version of H.R. 2892 contains the following immigration-related legislative riders:

- Naturalization Oath. Sec. 513 of the Senate-passed version of H.R. 2892 would prohibit funds appropriated in the bill from being used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).
- Contracting Out of USCIS Services. Sec. 514 of the Senate-passed version of H.R. 2892 would prohibit funds appropriated in the bill from being used to process or approve a proposal initiated in 2004 to contract out USCIS services.
- Background Checks for Immigration Benefit Applicants. Sec. 526 of the Senate-passed version of H.R. 2892 would continue a provision from previous fiscal years that prohibits funding to grant an immigration benefit to any individual unless the results of background checks required in statute to be completed prior to the grant of the benefit have been received by DHS.
- Use of E-Verify to Hire DHS Personnel. Sec. 533 of the Senate-passed version of H.R. 2892 would continue a provision from previous fiscal years prohibiting the obligation of funds for the Office of Secretary and Executive Management for any new hires at DHS if they are not verified through the E-Verify program.
- Prohibition of Implementation of H-2B Rule. Sec. 535 of the Senate-passed version of H.R. 2892 would continue a provision from prohibiting funds in the Act from being used to implement a rule which implements the notice of proposed rulemaking related to Petitions for Aliens to Perform Temporary Nonagricultural Services or Labor (H-2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).
- Prohibition of a National ID Card. Sec. 537 of the Senate-passed version of H.R. 2892 would continue a provision from previous fiscal years prohibiting funds for planning, testing, piloting, or developing a national identification card.
- Permanent Extension of the E-Verify System. Sec. 546 of the Senate-passed version of H.R. 2892 would permanently extend authority for the E-Verify system.<sup>933</sup>

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<sup>933</sup> *This section was not in the Senate Appropriations Committee-reported version of the Fiscal Year 2010 Homeland Security Appropriations Act. It was added to the measure on the Senate floor on July 8, 2009, by the Sessions E-Verify Amendment, which the*

- Mandatory Federal Contractor Use of the E-Verify System. Sec. 547 of the Senate-passed version of H.R. 2892 would require all federal contractors to use the E-Verify system to verify the employment eligibility of all individuals hired during the term of the contract, as well as to verify the employment eligibility of all individuals assigned by the contractor to perform work within the United States under such contract.<sup>933</sup>
- Use of E-Verify System to Verify Status of Existing Employees. Sec. 576 of the Senate-passed version of H.R. 2892 would authorize employers that participate in the E-Verify System to use the system to verify the employment eligibility of existing employees; not just new-hires.
- Renaming of the Basic Pilot/E-Verify System. Sec. 548 of the Senate-passed version of H.R. 2892 would rename the Basic Pilot program, formally naming it the E-Verify Program.<sup>933</sup>
- Permanent Extension of EB-5 Regional Center Program. Sec. 549 of the Senate-passed version of H.R. 2892 would permanently extend the EB-5 Regional Center Program.<sup>934</sup>
- Three-Year Extension of the Special Immigrant Non-Minister Religious Worker Visa Program. Sec. 571(a) of the Senate-passed version of H.R. 2892 would extend for three years the Special Immigrant Non-Minister Religious Worker Visa Program, extending it through September 30, 2012. The provision also would require U.S. Citizenship and Immigration Services to conduct a study and report on certain aspects of the program.<sup>935</sup>
- Three-Year Extension of the Conrad State 30 J-1 Visa Waiver Program. Sec. 571(b) of the Senate-passed version of H.R. 2892 would extend for three years the

Conrad State 30 J-1 Visa Waiver Program<sup>936</sup>, extending it through September 30, 2012.<sup>935</sup>

- Relief for Widows and Orphans. Sec. 571(c) of the Senate-passed version of H.R. 2892 would protect widows, widowers and orphans of deceased U.S. citizens and legal permanent residents who are in the family immigration system by allowing widows, widowers and orphans, to immigrate on a family-based visa despite the death of a petitioner.<sup>935</sup>
- Three-Year Extensions of E-Verify and EB-5 Regional Center Programs. Sec. 545 of the Senate-passed version of H.R. 2892 would extend for three years authority for the E-Verify and EB-5 Regional Center Programs, extending the programs through September 30, 2012.
- Disposal of ICE Detention Facilities. Sec. 546 of the Senate-passed version of H.R. 2892 would authorize the Secretary of Homeland Security to dispose of ICE detention facilities that the Secretary determines are no longer needed.
- Border Fence Completion. Sec. 560 of the Senate-passed version of H.R. 2892 would impose a number of restrictions and mandates on the Administration with regard to fencing being constructed along the U.S. border with Mexico.

More specifically, Sec. 560 would --

1. require that construction of the 700 miles of fencing that currently is mandated by law be completed by December 31, 2010;
2. provide that fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under the law; and
3. provide that funds for fence construction may not be withheld for failure to comply with consultation requirements.

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*Senate agreed to by a voice vote after first rejecting a Schumer motion to table it by a vote of 44-53*

<sup>934</sup> *This section was not in the Senate Appropriations Committee-reported version of the Fiscal Year 2010 Homeland Security Appropriations Act. It was added to the measure on the Senate floor on July 8, 2009, by the Leahy second degree amendment to the Sessions E-Verify Amendment. The Senate agreed to the Leahy amendment by a voice vote. It went on to agree to the Sessions amendment by a voice vote after first rejecting a Schumer motion to table it by a vote of 44-53*

<sup>935</sup> *This section was not in the Senate Appropriations Committee-reported version of the Fiscal Year 2010 Homeland Security Appropriations Act. It was added to the measure on the Senate floor on July 9, 2009, by Hatch Amendment 1428, which the Senate agreed to by unanimous consent*

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<sup>936</sup> *The Conrad State 30 / J-1 Visa Waiver Program is used to place international medical graduates who have completed their medical education in the United States in underserved areas of the state. Normally, upon completion of their education, these international medical graduates are required to return to their country of nationality for at least two years before returning to the United States. However, under the Conrad State 30/J-1 Visa Waiver Program this home residency requirement can be waived for up to thirty (30) J-1 physicians annually. In exchange, the J-1 physicians must agree to practice medicine full time at a Delaware pre-approved sponsoring site for a minimum of three years. These practice sites must be located in federally designated Health Professional Shortage Area (HPSA) or a Medically Underserved area (MUA).*

Sec. 560 also would impose reporting requirements on the Administration with regard to the construction of fencing along the U.S. border with Mexico.<sup>937</sup>

- **SSA No-Match Letters.** Sec. 561 of the Senate-passed version of H.R. 2892 provide that none of the amounts made available under the Act may be used to implement changes to the final rule describing the process for employers to follow after receiving a “no match” letter in order to qualify for “safe harbor”<sup>938</sup>

**Senate Floor Consideration and Amendments.** The Senate took up H.R. 2892 beginning on Tuesday, July 7, 2009, and had it under consideration through late into the night on Thursday, July 9, 2009. Senators filed numerous immigration-related floor amendments during the Senate's consideration of the measure. The following of those amendments were voted on:

- **SESSIONS E-VERIFY AMENDMENT.**--Senate Judiciary Committee Ranking Republican Jeff Sessions (R-AL) offered Sessions Amendment 1371, an amendment that would permanently extend authorization for the E-Verify system, formally name it the E-Verify System, and require all federal contractors and subcontractors to use the E-Verify system to verify the work eligibility of their employees.

The Senate agreed to the Sessions Amendment 1371 by a voice vote, after first rejecting a Schumer motion to table it by a vote of 44-53.<sup>939</sup>

- **LEAHY EB-5 REGIONAL CENTER AMENDMENT.**--Senate Judiciary Committee Chairman Patrick J. Leahy (D-VT) offered Leahy Amendment 1407, a second degree amendment to the Sessions E-Verify Amendment that would permanently authorize the EB-5 Regional Center Program.

The Senate agreed to Leahy Amendment 1407 to the Sessions E-Verify Amendment by a voice vote, and subsequently agreed to the Sessions E-Verify Amendment, as amended by the Leahy EB-5 Amendment, by a voice vote.

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<sup>937</sup> This section was not in the Senate Appropriations Committee-reported version of the Fiscal Year 2010 Homeland Security Appropriations Act. It was added to the measure on the Senate floor on July 8, 2009, by DeMint Amendment 1399, which the Senate agreed to by a vote of 54-44

<sup>938</sup> This section was not in the Senate Appropriations Committee-reported version of the Fiscal Year 2010 Homeland Security Appropriations Act. It was added to the measure on the Senate floor on July 9, 2009, by Vitter Amendment 1375, which the Senate agreed to by a voice vote

<sup>939</sup> [Senate Roll Call No. 219](#), July 8, 2009

- **DEMINT BORDER FENCE AMENDMENT.**--Senator Jim DeMint (R-SC) offered DeMint Modified Amendment 1399, an amendment that would require the completion of at least 700 miles of reinforced fencing along the United States border with Mexico by December 31, 2010; require that fencing be double-layered fencing and not vehicle or virtual fencing; provide that the Department not be required to engage in community consultation prior to constructing fencing.

The Senate agreed to the DeMint Modified Amendment 1399 by a vote of 54-44.<sup>940</sup>

- **HATCH RELIGIOUS WORKER, CONRAD 30, WIDOWS AMENDMENT.**--Senator Orrin Hatch (R-UT) offered Hatch Modified Amendment 1428, an amendment that would extend the Special Immigrant Non-Minister Religious Worker Visa and Conrad State 30 Programs through September 20, 2012, as well as amend the Immigration and Nationality Act to allow widows, widowers and orphans of sponsoring US citizens, refugees and other legal immigrants to continue their applications through the legal immigration system despite the death of their sponsoring relative.

The Senate agreed to the Hatch Modified Amendment 1428 by unanimous consent.

- **GRASSLEY E-VERIFY AMENDMENT.**--Senator Charles Grassley (R-IA) offered Grassley Amendment 1415, an amendment that would permit employers who use the E-Verify System to use it to verify current employees, and not just new hires.<sup>941</sup>

The Senate agreed to Grassley Amendment 1415 by a voice vote.

- **VITTER SSA NO-MATCH AMENDMENT.**--Senator David Vitter (R-LA) offered Vitter Modified Amendment 1375, an amendment that would require implementation of a stalled Bush-Era SSA-No Match Rule, which would allow the Social Security Administration to send letters notifying employers that the Social Security number and personal data of certain employees don't match SSA records.

The Senate agreed to the Vitter Modified Amendment 1375 by a voice vote.

**Next Steps.** Now that the Senate has passed its version of H.R. 2892, the next step in the legislative process is for a

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<sup>940</sup> [Senate Roll Call No. 220](#), July 8, 2009

<sup>941</sup> Under current law, E-Verify may only be used for new hires

conference committee to be convened to resolve differences between the House- and Senate-passed versions of the measure. There was no word at the time of this writing when such a conference committee will be constituted. ☼

### **House Passes Bill Appropriating FY '10 Funds for Refugee Admissions and Overseas Refugee Assistance:**

The House of Representatives last week passed its version of the fiscal year 2010 appropriations bill that funds refugee admissions and overseas refugee assistance. Included in the House-passed measure are substantial increases in funding for Migration and Refugee Assistance (MRA) and International Disaster Assistance (IDA), relative to appropriations for those accounts during the regular fiscal year 2009 appropriations cycle. However, when supplemental fiscal year 2009 appropriations spending is taken into account, the Committee-approved measure would actually appropriate less in fiscal year 2010 for the MRA account than the total amount that was appropriated for that account in fiscal year 2009. Last week's House floor action occurred in connection with [H.R. 3081](#), the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill.<sup>942</sup> The House passed the measure on Thursday, July 9, 2009, by a vote of 318-106.<sup>943</sup>

**Legislative History.** The following is a brief legislative history of H.R. 3081:

- House Committee Actions.
  2. On June 17, 2009, the House Appropriations Subcommittee on State, Foreign Operations, and Related Programs marked up its version of H.R. 3081, forwarding the measure to the full Committee on Appropriations.<sup>944</sup>
  3. On June 23, 2009, the full House Committee on Appropriations held a markup session, ordering that H.R. 3081 be reported to the full House of Representatives as an original measure.<sup>945</sup>
  4. On June 26, 2009, the full House Committee on Appropriations formally reported H.R. 3081 to the full House of Representatives.

<sup>942</sup> [H. Rept. 111-187, June 26, 2009](#)

<sup>943</sup> [House Roll Call No. 525, July 9, 2009](#)

<sup>944</sup> See Page 678 of [June 22, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the June 17, 2009, House Appropriations Subcommittee on State, Foreign Operations, and Related Programs markup of H.R. 3081

<sup>945</sup> See Pages 700-702 of the [June 29, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the June 23, 2009, House Appropriations Committee markup of H.R. 3081

- House Floor Actions.

1. On July 9, 2009, the full House of Representatives passed H.R. 3081 by a vote of 318-106.<sup>946</sup>

- Senate Committee Actions.

5. On July 9, 2009, the Senate Committee on Appropriations marked up its version of S. 1434 and reported it to the full Senate.<sup>947</sup>

**Summary of Immigration- and Refugee-Related Provisions.** As passed by the House, H.R. 3081 contains substantial increases in funding for Migration and Refugee Assistance (MRA) and International Disaster Assistance (IDA), relative to appropriations for those accounts during the regular fiscal year 2009 appropriations cycle. However, when supplemental fiscal year 2009 appropriations spending is taken into account, the Committee-approved measure would actually appropriate less in fiscal year 2010 for the MRA account than the total amount that was appropriated for that account in fiscal year 2009.

The following is a summary of the refugee-related provisions in the House-passed version of H.R. 3081:<sup>948</sup>

- Funding for Refugee Admissions and Overseas Assistance to Refugees. H.R. 3081 would appropriate \$1.480 BILLION for the Department of State's Migration and Refugee Assistance (MRA) account. This would represent a decrease of \$190.6 MILLION below the amount that has been appropriated for MRA in fiscal year 2009<sup>949</sup> and the same amount as was requested by the Administration in its fiscal year 2010 budget request.
- Funding for Emergency Refugee and Migration Assistance. H.R. 3081 would appropriate \$75 MILLION to replenish the Emergency Refugee Migration Assistance (ERMA) account. This would be an increase of \$35 MILLION compared to the \$40 MILLION that was appropriated in fiscal year 2009 for the ERMA account and the same amount that was appropriated for ERMA in fiscal year 2009.

<sup>946</sup> [House Roll Call No. 525, July 9, 2009](#)

<sup>947</sup> [S. Rept. 111-44, July 9, 2009](#)

<sup>948</sup> See Pages 724-725 of the [June 29, 2009, edition of the Weekly Legislative Update](#) for extended excerpts from H. Rept. 111-187, the committee report accompanying H.R. 3081

<sup>949</sup> The fiscal year 2009 level of appropriations for the MRA account includes \$931 MILLION that was appropriated in the regular appropriations bill and total of \$740 MILLION that has been appropriated so far in fiscal year 2009 in supplemental appropriations bills

- International Disaster Assistance. H.R. 3081 would appropriate \$830 MILLION in FY '10 for the International Disaster Assistance account (IDA). This would be \$10 MILLION above the amount appropriated for IDA in fiscal year 2009<sup>950</sup> and \$50 MILLION below the amount that the Administration requested for FY '10.

The chart that follows compares refugee-related funding in H.R. 3081 with fiscal year 2009 funding and the Administration's fiscal year 2010 budget submission:

**Comparison of Fiscal Year 2009 and 2010 Funding for MRA, ERMA, and IDA**

ITEM	'09 Actual	'10 OMB	'10 House	'10 RCUSA
MRA <sup>917</sup>	\$ 1,670.6	\$ 1,480	\$ 1,480	\$ 2,050
ERMA <sup>918</sup>	\$ 40	\$ 75	\$ 75	\$ 200
IDA	\$ 820	\$ 880	\$ 830	\$ 1,120

Millions of Dollars

**Views of the Advocacy Community.** The pro-refugee advocacy community, represented by Refugee Council USA (RCUSA), the nation's leading coalition of refugee resettlement, human rights, and humanitarian organizations, expressed cautious praise for the Obama Administration's FY '10 budget for the Department of State's MRA account. Nonetheless, it has urged appropriators to provide substantially more funds for the Department's MRA, ERMA, and IDA accounts than the Administration requested.<sup>951</sup>

- MRA Account. RCUSA has asked Congress to appropriate \$2.05 BILLION for the MRA account in fiscal year 2010. That is \$570 MILLION more than H.R. 3081 would appropriate and the Administration requested for fiscal year 2010. It is \$379.4 MILLION more than the amount that has been appropriated so far in fiscal year 2009 for the account.

The biggest differences between RCUSA's recommendations for the MRA account and the Administration's request are found in two areas.

1. Refugee Admissions. First, RCUSA has recommended \$251.5 MILLION more for refugee admissions in fiscal year 2010 than the Administration requested, enough to accommodate at least 45,000 more refugee Admissions than the Administration is planning for.<sup>7F16F</sup><sup>952</sup>
2. Overseas Refugee Assistance. Second, RCUSA has recommended \$302 MILLION more for overseas assistance to refugees than the Administration has requested.

- ERMA Account. RCUSA has asked Congress to appropriate \$200 MILLION for the ERMA account in fiscal year 2010. That is \$125 MILLION more than H.R. 3081 would appropriate and the Administration requested for fiscal year 2010. It is \$160 MILLION more than the amount that has Emergency Refugee and Migration Assistance (ERMA) Refugee Council USA (RCUSA), the nation's leading coalition of refugee resettlement, human rights, and humanitarian organizations, has asked Congress to appropriate \$2.05 BILLION for the MRA account in fiscal year 2010. That is \$570 MILLION more than the amount has been appropriated so far in fiscal year 2009 for the account.

- IDA Account. RCUSA has asked Congress to appropriate \$1.12 BILLION for the Agency for International Development's IDA account in fiscal year 2010. That is \$290 MILLION more than H.R. 3081 would appropriate and \$240 MILLION more than Administration requested for fiscal year 2010. It is \$300 MILLION more than the amount that has been appropriated so far in fiscal year 2009 for the account.

**Immigration- and Refugee-Related Floor Amendments.** No immigration- or refugee-related amendments were permitted to be offered to H.R. 3081 on the House floor.

**Next Steps.** Now that the House of Representatives has passed H.R. 3081, the next step in the legislative process is consideration by the Senate of its version of the measure. The Senate Committee on Appropriations approved its version of the measure on Thursday, July 9, 2009, reporting it to the full Senate. There is no word, however, on when the full Senate will take up the bill. ☀

**Last Week's Conference Committee Actions**

There were no bills pending in conference last week that had significant immigration- or refugee-related provisions. ◇

<sup>950</sup> *The fiscal year 2009 level of appropriation includes \$350 MILLION that was appropriated in the regular appropriation bill and a total of \$470 MILLION that was appropriated so far in fiscal year 2009 in supplemental appropriations bills*

<sup>951</sup> [Click Here](#) to see a backgrounder prepared by RCUSA in which it expresses its views on the proper level of fiscal year 2010 funding for the MRA, ERMA, and IDA accounts

<sup>952</sup> *The RCUSA recommended level of funding for refugee admissions assumes 125,000 refugee admissions in fiscal year 2010 compared with the Administration's planned for 80,000 admissions in the fiscal year.*

### Last Week's Executive Activity

#### Administration Pledges to Implement Mandatory E-Verify for Federal Contractors Rule:

The Department of Homeland Security (DHS) last week announced it will implement an oft-stalled Bush-era rule that requires federal contractors to use the E-Verify System to verify the employment eligibility of their employees. The Administration's decision leaked out just hours before the Senate was to vote on an amendment to the Fiscal Year 2010 Homeland Security Appropriations Act to permanently extend authorization for the E-Verify System and mandated, by law, that all federal contractors use the system.

In a July 8, 2009, press release, the Department of Homeland Security justified its decision to implement the Bush-era rule, saying that "E-Verify is a smart, simple and effective tool that reflects our continued commitment to working with employers to maintain a legal workforce." It went on to declare that "[r]equiring those who seek federal contracts to use this system will create a more reliable and legal workforce. The rule complements our Department's continued efforts to strengthen immigration law enforcement and protect critical employment opportunities."<sup>953</sup> ☀

#### Administration Signals Intention to Rescind SSA-No-Match Rule:

The Department of Homeland Security (DHS) last week announced that it will be proposing a new regulation rescinding the 2007 No-Match Rule, which was blocked by court order shortly after issuance and has never taken effect. That rule established procedures that employers could follow if they receive Social Security Administration (SSA) No-Match letters or notices from the Department of Homeland Security that call into question work eligibility information provided by employees. According to DHS, "[t]hese notices most often inform an employer many months or even a year later that an employee's name and Social Security Number provided for a W-2 earnings report do not match SSA records—often due to typographical errors or unreported name changes."

In justifying its decision, DHS said that "E-Verify addresses data inaccuracies that can result in No-Match letters in a more timely manner and provides a more robust tool for identifying unauthorized individuals and combating illegal employment."

The Department of Homeland Security announced its decision to rescind the No-Match Rule in a July 8, 2009, press release that also announced the Administration's intent to implement a stalled Bush-era rule mandating federal contractor participation in the E-Verify system.<sup>953</sup> ☀

<sup>953</sup> [Click Here](#) to see the complete text of the July 8, 2009, Department of Homeland Security press release announcing the Administration's intention to implement the mandatory federal contractor E-Verify rule and to rescind the SSA No-Match rule

#### Administration Announces Revamping of 287(g) Program as it Adds 11 New Jurisdictions to the List of Participating Agencies:

Secretary of Homeland Security Janet Napolitano last week announced that the Department will revamp the 287(g) program and add 11 new local law enforcement agencies to the list of 66 current agencies that participate in the program. Secretary Napolitano announced changes to the 287(g) program in a press release that was issued on Friday, July 10, 2009.<sup>954</sup>

The Department of Homeland Security will require all local law enforcement agencies that are current participants in the 287(g) program to sign a new, universal Memorandum of Agreement (MOA) within 90 days, specifying the program's purpose as "identifying and processing for removal, criminal aliens who pose a threat to public safety or danger to the community."

Previously, the Government Accountability Office (GAO) found that the 287(g) program's mandate to deport illegal immigrants convicted of "violent crimes, human smuggling, gang/organized crime activity, sexual-related offenses, narcotics smuggling and money laundering" was not clearly stated in program materials and MOAs and that, as a result, some agencies had "used 287(g) authority to process individuals for minor crimes, such as speeding, contrary to the objective of the program."<sup>955</sup>

The following is a side-by-side comparison chart of the original Memorandum of Agreement and the new Memorandum of Agreement that was provided by the Department of Homeland Security:

#### Comparison between Original and New 287(g) MOA

Original Memorandum of Agreement	New Memorandum of Agreement
ICE priorities for arrest and detention not addressed	The following ICE priorities now incorporated into the MOA: <ul style="list-style-type: none"> <li>• <b>Level 1:</b> Criminal aliens who have been convicted of or arrested for major drug offenses and/or violent offenses such as murder, manslaughter, rape, robbery, and kidnapping</li> <li>• <b>Level 2:</b> Criminal aliens who have</li> </ul>

<sup>954</sup> [Click Here](#) to see the complete text of the July 10, 2009, Department of Homeland Security press release announcing changes to the 287(g) program

<sup>955</sup> [Click Here](#) to see the January 30, 2009, Government Accountability Office report titled, "Better Controls Needed over Program Authorizing State and Local Enforcement of Federal Immigration Laws"

Original Memorandum of Agreement	New Memorandum of Agreement
	<p>been convicted of or arrested for minor drug offenses and/or mainly property offenses such as burglary, larceny, fraud, and money laundering</p> <ul style="list-style-type: none"> <li>• <b>Level 3:</b> Criminal aliens who have been convicted of or arrested for other offenses</li> </ul>
Purpose of the 287(g) authority not clearly stated	Purpose of 287(g) authority is now provided in MOA. The purpose is to “enhance the safety and security of communities by focusing resources on identifying and processing for removal, criminal aliens who pose a threat to public safety or danger to the community.”
Did not provide limits to the law enforcement agency’s 287(g) authority	Expressly limits the law enforcement agency’s 287(g) authority to the confines of their area of responsibility
Separate templates for both task force and jail enforcement models	Universal template with jail enforcement and task force officer statutory authority in Standard Operating Procedure (SOP) Appendix
Federal civil rights not addressed	Agency personnel are bound by all Federal civil rights laws regulations and guidance relating to non-discrimination
Interpretation services not addressed in previous MOA	Requires law enforcement agency to provide Interpretation Services
Did not clearly state where complaints should be forwarded	MOA directs all complaints regarding the 287(g) program to proper components, either to the Office Professional Responsibility or the DHS Office of the Inspector General, in addition to the Office of Civil Rights and Civil Liberties
No minimum time commitment required for 287(g) officers	Minimum requirement to perform immigration officer functions for 2 years
Pursuing charges to completion was not	Requires law enforcement agency to pursue to completion all criminal charges that caused the alien to be taken into custody

Original Memorandum of Agreement	New Memorandum of Agreement
addressed	
Performance of duties by the law enforcement agency was not addressed	Enables ICE to address an agency’s performance. If an agency is not fulfilling its duties, ICE will notify the agency in writing, giving 90 days to demonstrate a continued need for the 287(g) program services. If continued need is not demonstrated by the agency, the authorities and resources given to the agency pursuant to the MOA will be terminated or suspended
Did not provide additional detail around criteria for accepting candidates	All candidates must be US Citizens and the agency must have conducted a criminal background check within the last 5 years. Also, candidates must complete a background questionnaire, which requires but is not limited to fingerprints, personal history, and officer disciplinary history
Operations plan approval not required	Mandates the law enforcement agency provide the ICE supervisor with a copy of the operations plan, and ICE must concur and approve with the plan prior to any enforcement operation being initiated that will involve the use of 287(g) delegated authority.

In her July 10, 2009, press release, Secretary Napolitano said, “[t]his new agreement supports local efforts to protect public safety by giving law enforcement the tools to identify and remove dangerous criminal aliens.” Secretary Napolitano went on to assert that the new contours of the program “also promotes consistency across the board to ensure that all of our state and local law enforcement partners are using the same standards in implementing the 287(g) program.”

The press release states that the new MOA aligns 287(g) local operations with major ICE enforcement priorities—specifically, the identification and removal of criminal aliens. The press release says that “[t]o address concerns that individuals may be arrested for minor offenses as a guise to initiate removal proceedings, the new agreement explains that participating local law enforcement agencies are required to pursue all criminal charges that originally caused the offender to be taken into custody.”

The new MOA also defines the objectives of the 287(g) program, outlines the immigration enforcement authorities granted by the agreement and provides guidelines for ICE’s supervision of local agency officer operations, information reporting and tracking, complaint procedures and implementation measures.

DHS and ICE will begin working with their current 287(g) partner agencies to re-sign the standardized agreements — ultimately, only those agencies with newly signed agreements will be permitted to continue enforcing immigration law. A “sunset clause” will keep the MOA in effect for three years from the date of signing unless terminated by either party.

The eleven new agreements are with the following jurisdictions:

- Gwinnett (GA) County Sheriff’s Department;
- Monmouth (NJ) County Sheriff’s Office;
- Rhode Island Department of Corrections;
- Delaware Department of Corrections, Sussex Correctional Institution;
- Houston Police Department;
- City of Mesquite (NV) Police Department;
- Morristown (NJ) Police Department;
- City of Mesa (AZ) Police Department;
- Florence (AZ) Police Department;
- Guilford County (NC) Sheriff’s Office;
- Charleston County (SC) Sheriff’s Office. ☀ ◇

## ***Recently Introduced Legislation***

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

### House

#### **Benefits for Legal Immigrants**

- **Health Equity and Accountability Act of 2009:** Representative Donna M. Christian-Christensen (D-VI) has introduced H.R. 3090, a bill to improve the health of minority individuals, and for other purposes.

As introduced, H.R. 3090 contains a number of provisions that would provide access to health care benefits to both legal and illegal aliens. Among its many provisions, H.R. 3090 would make lawfully present immigrants eligible for Medicaid and Children’s Health Insurance Program and (CHIP) benefits by eliminating the sponsor-deeming and five-year waiting period features of the programs; permit lawfully present immigrants to buy into the Medicare program; make all children in the United States, regardless of their

immigration status, eligible for the CHIP program; and make all pregnant women, regardless of their immigration status, eligible for affordable prenatal care through Medicaid or the CHIP program.

It has been referred to the House Committee on Energy and Commerce, House Committee on Ways and Means, House Committee on Education and Labor, and House Committee on the Judiciary.

### **Citizenship & Naturalization**

- **Foreign Adopted Children Equality Act:** Representative Diane Watson (D-CA) has introduced [H.R. 3110](#), a bill to provide United States citizenship for children adopted from outside the United States.

As introduced, H.R. 3110 would provide United States citizenship for children adopted from outside the United States.

It has been referred to the House Committee on the Judiciary and House Committee on Foreign Affairs.

### **Control of Illegal Immigration**

- **Acceptable Forms of Identification for Banks and Federal Government:** Representative Marsha Blackburn (R-TN) has introduced [H.R. 3174](#), a bill to provide that only certain forms of identification of individuals may be accepted by the Federal Government and by financial institutions.

As introduced, H.R. 3174 would provide that only certain forms of identification of individuals may be accepted by the Federal Government and by financial institutions.

It has been referred to the House Committee on Oversight and Government Reform and House Committee on Financial Services.

### Senate

#### **Employment-Based Immigration System**

- **Arts Require Timely Services Act, or the ARTS, Act:** Senator John F. Kerry (D-MA) has introduced [S. 1409](#), a bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability.

As introduced, S. 1409 would require U.S. Citizenship and Immigration Services to treat as a Premium Processing case, or a 15-day turn-around, free of additional charge, any nonprofit arts-related O- and P-visa petition that it fails to adjudicate within 30 days.

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

## Refugee Admissions

- **Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Act:** Senate Appropriations Subcommittee on State, Foreign Operations, and Related Programs Chairman Patrick J. Leahy (D-VT) has introduced [S. 1434](#), an original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes.

As reported by the Senate Committee on Appropriations, S. 1434 contains numerous provisions appropriating fiscal year 2010 funds for the Department of State, foreign operations, and related programs. With regard to refugees, the measure would appropriate \$1.678 BILLION for the Department of State's Migration and Refugee Assistance (MRA) account and \$75 MILLION to replenish the Emergency Refugee Migration Assistance (ERMA) account.

It was reported to the Senate as an original measure by the Senate Committee on Appropriations.<sup>956</sup> ◇

## 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

**Members Preparing to Introduce House Version of Health Care Reform Bill:** The Chairs of the House Committee on Ways and Means, House Committee on Education and Labor, and House Committee on Energy and Commerce have been working closely with the House Democratic Leadership to produce a draft health care reform bill that could be introduced as soon as this week.

**Members Working on Violence Against Women Technical Corrections Bill:** Representative Debbie Wasserman Schultz (D-FL) and Ted Poe (R-TX) are working on a measure that could contain several changes in law that would expand protections for aliens who are victims of domestic violence and sex trafficking. While no text was available at the time of this writing, the measure reportedly will be closely patterned after provisions in [S. 327](#), the "Improving Assistance to Domestic and Sexual Violence

Victims Act of 2009", a measure that the Senate Committee on the Judiciary approved on May 7, 2009.<sup>957</sup>

As reported by the Senate Committee on the Judiciary, S. 327 contains four provisions that would expand protections for aliens who are victims of domestic violence and sex trafficking.

More specifically—

- **Extension of T Nonimmigrant Status.** Section 114 of S. 327 would amend section 214(o)(7) of the Immigration and Nationality Act to allow an alien to apply for an extension of her T nonimmigrant visa retroactively after the expiration of the visa.F4F<sup>958</sup>

Advocates contend that the provision is necessary because a number of aliens who received T visas were unable to adjust their status in a timely way because it took the Department of Homeland Security (and its predecessor agency, the Immigration and Naturalization Service) eight years to issue regulations providing for adjustment of status of T visa holder.

- **T and U Nonimmigrant Protections.** Section 115 would amend section 107(b)(1)(E)(i)(II)(aa) of the Trafficking Victims Protection Act of 2000 to permit U visa victims to get work authorization while their case is being adjudicated if they can show prima facie evidence that they meet the qualifications of the visa. This would lower the standard in current law, which currently requires them show bona fide evidence.
- **Nonimmigrant Adjustment of Status.** Section 116 would amend Section 245(m)(3) of the Immigration and Nationality Act to permit an unmarried sibling (under the age of 18) of a U visa holder to adjust her status along with the victim.40F26F5F<sup>959</sup>

<sup>957</sup> See Pages 475-477 of the [May 11, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the Senate Judiciary Committee's markup of S. 327

<sup>958</sup> The T nonimmigrant visa is available for up to 5,000 victims of "severe forms of trafficking" per year. Severe forms of trafficking include: the use of force, fraud, or coercion for sex trafficking and/or involuntary servitude, peonage, debt bondage, or slavery.

<sup>959</sup> The U nonimmigrant visa is available for up to 10,000 victims of specific crimes per year who cooperate in the investigation or prosecution of the persons charged with the criminal activity. Crimes covered include: rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact; prostitution; sexual exploitation, female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.

<sup>956</sup> [S. Rept. 111-44](#), July 9, 2009

- Housing Assistance for Qualified Aliens. Section 117 would amend Section 214 of the Housing and Community Development Act of 1980 to permit alien victims of domestic violence to remain eligible for public housing if the perpetrators of violence against them have been evicted from or otherwise have left public housing.

**Secure American through Verification and Enforcement Act:** Representative Heath Shuler (D-NC) is planning to reintroduce [H.R. 4088](#), the "Secure America Through Verification and Enforcement Act of 2007" or "SAVE Act", which he introduced in the 110<sup>th</sup> Congress. The measure was strongly supported during the 110<sup>th</sup> Congress by the immigration restrictionist advocacy community and vociferously opposed by the pro-immigrant advocacy community. It generated 157 House cosponsors and 190 signers on a discharge petition.<sup>960</sup>

### Senate

**\*\*Chairman Schumer Working on Comprehensive Immigration Reform Bill:** Senate Judiciary Subcommittee on Immigration, Refugees, and Border Security Chairman Charles S. Schumer (D-NY), has announced that he is working on a comprehensive immigration reform bill, which he says will be ready for introduction before Labor Day.

In an Associated Press story that moved on the wires on Wednesday, July 8, 2009, the Associate Press quoted Chairman Schumer as saying, "I think we'll have a good bill by Labor Day" and that "the fundamental building blocks are in place to do comprehensive immigration reform."

The Associated Press article also attributed the following assertions to Chairman Schumer:

- His bill would be more generous to highly skilled immigrant workers than those who are lower skilled
- His bill would be tough on future waves of illegal immigration.
- A comprehensive immigration reform bill could be passed by the end of the year.
- Disagreements between labor and business interests on the flow of legal foreign workers can be worked out.
- The U.S. should encourage legal immigration and find some kind of path for people now here to find a way to legal citizenship.

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<sup>960</sup> 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 110<sup>th</sup> Congress' H.R. 4088

- The U.S. has "a shortage maybe of engineers here or Ph.D's in physics, but we probably don't have a shortage of people who can do construction work."

**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 110<sup>th</sup> Congress.<sup>961</sup>

**Foreign Relations Authorization Bill:** Senate Foreign Relations Committee Chairman John F. Kerry (D-MA) is working on the Senate version of the Foreign Relations Authorization Act, which he reportedly plans to introduce shortly after Congress returns from its week-long Independence Day recess.

The House of Representatives passed [H.R. 2410](#), the House version of Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, on Wednesday, June 10, 2009. As passed by the House, the measure contains among its many provisions numerous provisions making reforms to the United States refugee admissions process.<sup>962</sup>

It was unclear at the time of this writing to what degree the bill that Chairman Kerry is planning to introduce will replicate the refugee admissions reform provisions in the House-passed version of H.R. 2410. ◇

### *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

**Treatment of Legal Immigrants Likely to be an Issue in Forthcoming House Debate on Health Care Reform:** The Chairs of the House Committee on Ways and Means, House Committee on Education and Labor,

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<sup>961</sup> 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 110<sup>th</sup> Congress' S. 3114

<sup>962</sup> See Pages 642-650 of the [June 15, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the refugee-related provision that are included in the House-passed version of H.R. 2410

and House Committee on Energy and Commerce have been working closely with the House Democratic Leadership to produce a draft health care reform bill that could be introduced as soon as this week.

The draft bill contains a number of provisions relating to immigrants and aliens and will likely set off a debate on the treatment of legal aliens under health care reform.

**\*\*House on Track to Complete Action on the Four Immigration- and Refugee-Related Appropriations Measures:** The House of Representatives is on track to complete its consideration of the four regular fiscal year 2010 appropriations bills that fund the nation's immigration services, immigration enforcement, border security, refugee admissions, refugee assistance, refugee resettlement, and immigration court-related agencies, functions, programs, and activities of the federal government.

Late last May, the House Committee on Appropriations released an ambitious schedule for considering the measures, calling for Subcommittee consideration of the first of them beginning in early June, 2009, culminating in House floor action on the final of the four measures mid July, 2009.

The House of Representatives already has passed three of the four measures: the Fiscal Year 2010 Homeland Security Appropriations Bill, which funds the federal government's immigration services, immigration enforcement, and border security activities; the Fiscal Year 2010 Commerce, Justice, Science, and Related Agencies Appropriations Bill, which funds the nation's immigration court system and federal reimbursement for reimbursements to states for the incarceration of criminal aliens; and the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill, which funds refugee admissions and overseas refugee assistance.

The final immigration- or refugee-related appropriations bill that the House must take up is the Fiscal Year 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill, which funds the federal government's refugee resettlement activities, as well as the federal government's activities relating to the care and treatment of unaccompanied alien children. The House Appropriations Committee is scheduled to markup that measure late this week and House floor action could follow as soon as next week.

The chart that follows displays the projected dates for House actions on the four fiscal year 2010 immigration- and refugee-related fiscal appropriations bills:

**House Appropriations Committee Timetable for Considering FY '10 Immigration- and Refugee-Related Appropriations Bills**

FY '10 Appropriations Bill	Sub Markup	Full Markup	House Floor
Commerce/Justice/Science <sup>963</sup>	6/04/09	6/09/09	6/16/09
Homeland Security <sup>964</sup>	6/08/09	6/12/09	6/19/09
Labor, HHS, Education <sup>965</sup>	7/10/09	7/17/09	??
State, Foreign Operations <sup>966</sup>	6/17/09	6/24/09	7/09/09

Senate

**Senate Judiciary Panel to Hold Hearing Next Week on Biometric-Based Immigration-Related Employment Verification Systems:** The Senate Judiciary Subcommittee on Immigration, Refugees, and Border Security plans to hold a hearing next week on biometric-based immigration-related employment verification systems. The Subcommittee has set aside the afternoon of Wednesday, July 22, 2009, for the hearing on employment verification systems. At the time of this writing, no witnesses for the hearing had been publicly identified.

**Senate Judiciary Panel to Hold Late July Hearing on Employment-Based Immigration:** The Senate Judiciary Subcommittee on Immigration, Refugees, and

<sup>963</sup> *The Commerce, Justice, Science, and Related Agencies appropriations bill includes appropriations for the Department of Justice, including the Department's Executive Office for Immigration Review (EOIR), Office of Special Counsel (OSC), Office of Immigration Litigation (OIL), and Bureau of Prisons (BOP)*

<sup>964</sup> *The Homeland Security appropriations bill includes appropriations 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)*

<sup>965</sup> *The Labor, Health and Human Services, Education, and Related Agencies appropriations bill includes appropriations for the Department of Health and Human Services, including the' refugee resettlement, trafficking victims assistance, torture victim assistance, and unaccompanied alien children programs, which are operated by the Department's Office of Refugee Resettlement (ORR)*

<sup>966</sup> *The State, Foreign Operations, and Related Programs bill includes appropriations for the Department of State's refugee admissions and overseas refugee assistance programs, which are operated by the Bureau of Population, Refugees, and Migration (PRM) and administered through the Migration and Refugee Assistance (MRA) and Emergency Refugee and Migration Assistance (ERMA) accounts*

Border Security plans to hold a hearing in late July on how best to structure our employment-based immigration system for the future. The Subcommittee has set aside the morning of Wednesday, July 29, 2009, for the hearing on the future of the nation's employment-based immigration system. At the time of this writing, no witnesses for the hearing had been publicly identified.

**House-Passed Immigration Measures are Awaiting Consideration by the Senate:**

The following measures containing significant immigration- or refugee-related provisions have been passed by the House of Representatives and are awaiting consideration in the Senate:

- **Reforms to the Refugee Admissions Process.** The House of Representatives has passed [H.R. 2410](#), the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, which contains among its many provisions numerous ones that would make reforms to the United States refugee admissions process.<sup>967</sup>

Following House passage of the measure, it was referred to the Senate Committee on Foreign Relations. Senate Foreign Relations Committee Chairman John F. Kerry (D-MA) is working on a version of the bill of his own that he could introduce as soon as late July<sup>968</sup>

- **Increased Penalties for Alien Smuggling.** The House of Representatives has passed [H.R. 1029](#), the "Alien Smuggling and Terrorism Prevention Act of 2009". It would increase penalties for alien smuggling and make other changes in law that the bill's proponents contend will help combat the crime of alien smuggling.

While there was no organized opposition to H.R. 1029 during House consideration of the measure, several pro-immigrant and pro-refugee advocacy organizations expressed concerns about the potential impact that the measure would have on good Samaritans and refugees. Those concerns were expressed behind the scenes in the House but are expected to be voiced more vociferously should the Senate take up the measure.

The measure has been referred to the Senate Committee on the Judiciary.

It was widely believed at the time that the House acted that the Senate Committee on Commerce, Science, and

<sup>967</sup> See Pages 642-650 of the [June 15, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the refugee-related provisions in the House-passed version of H.R. 2410, the Foreign Relations Authorization Act, 2010 and 2011

<sup>968</sup> See Pages 642-650 of the [June 15, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the refugee-related provision that are included in the House-passed version of H.R. 2410

Transportation would address the issues that are included in H.R. 1029 when it took up [S. 1194](#), the Coast Guard Authorization Act for Fiscal Years 2010 and 2011. The Committee marked up the measure on Wednesday, July 8, 2009, however, without including any immigration-related provisions.<sup>969</sup> That measure now awaits Senate floor consideration, where the issues embodied in H.R. 1029 could come up.

- **Fiscal Year 2010 Appropriations for the Immigration Court System.** The House of Representatives has passed [H.R. 2847](#), the Fiscal Year 2010 Commerce, Justice, Science, and Related Agencies Appropriations Bill (C-J-S Appropriations Bill), which funds the immigration court system, as well as a grant program that reimburses states for the cost they incur in incarcerating criminal aliens.

Included in the bill is a substantial increase in spending for the Executive Office for Immigration Review (EOIR); increased funding for legal orientation presentations to detained aliens; and continued funding for the State Criminal Alien Assistance Program (SCAAP), which the Obama Administration has proposed ending.<sup>970</sup>

The Senate Committee on Appropriations has approved the [Senate version of H.R. 2847](#), reporting it to the full Senate.<sup>971</sup> The Senate could take up the measure at any time.<sup>972</sup>

- **Fiscal Year 2010 Appropriations for Refugee Admissions and Overseas Refugee Assistance.** The House of Representatives has passed [H.R. 3081](#), its version the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill, which contains among its many provisions those that fund the federal government's refugee admissions and overseas refugee assistance programs.

Included in the House-passed measure are substantial increases in funding for Migration and Refugee Assistance (MRA) and International Disaster Assistance (IDA), relative to appropriations for those accounts

<sup>969</sup> See Page 383 of the [April 20, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the full House of Representatives' consideration of H.R. 1029

<sup>970</sup> See Pages 681-682 of the [June 22, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the full House of Representatives' consideration of H.R. 2847

<sup>971</sup> [S. Rept. 111-34](#), June 25, 2009

<sup>972</sup> See Pages 702-703 of the [June 29, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the June 25, 2009, Senate Appropriations Committee markup of H.R. 2847

during the regular fiscal year 2009 appropriations cycle. However, when supplemental fiscal year 2009 appropriations spending is taken into account, the House-passed measure would actually appropriate less in fiscal year 2010 for the MRA account than the total amount that was appropriated for that account in fiscal year 2009.<sup>973</sup>

The Senate Committee on Appropriations has approved [S. 1434](#), the Senate version of the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill.<sup>974</sup> Its version would appropriate substantially more for the Migration and Refugee Assistance account than is contained in the House-passed version of the bill. The Senate could take up the measure at any time.<sup>975</sup>

### **Senate Committee-Approved Immigration Measures are Awaiting Consideration by the Full Senate:**

The following measures containing significant immigration- or refugee-related provisions have been approved by various committees and are awaiting consideration by the full Senate:

- [Eased Visa Requirements for Victims of Domestic Violence](#). The Senate Committee on the Judiciary has approved [S. 327](#), the “Improving Assistance to Domestic and Sexual Violence Victims Act of 2009”, which contains four provisions that would amend the Immigration and Nationality Act, the Trafficking Victims Protection Act of 2000, and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to expand protections for aliens who are victims of domestic violence and sex trafficking.

The bill has been hotlined. Reports indicate that S. 327 has been cleared by the Senate Democratic cloakroom. However, those reports indicate that it has not yet been cleared by the Senate Republican cloakroom. It is anticipated that once the bill has been cleared by both the Democratic and Republican cloakrooms, the Senate will take it up by unanimous consent.<sup>976</sup> ◇

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<sup>973</sup> [H. Rept. 111-187, June 26, 2009](#)

<sup>974</sup> [S. Rept. 111-44, July 9, 2009](#)

<sup>975</sup> See Pages 772-743 of this week’s Weekly Legislative Update for an analysis of the House-passed version of the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill

<sup>976</sup> See Pages 475-477 of the [May 11, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the Senate Judiciary Committee’s markup of S. 327

### ***Next Week’s Edition ...***

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

- [Torture Victims Protection Act](#). Next week’s Weekly Legislative Update will report on House floor action on the Torture Victims Protection Reauthorization Act, should the House take up the legislation this week, as scheduled.
- [Funding for Refugee Resettlement](#). Next week’s Weekly Legislative Update will report on any refugee-related provisions contained in the Fiscal Year 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill, which the House Appropriations Committee is scheduled to take up this week.
- [Immigrants and Health Care Reform](#). Next week’s Weekly Legislative Update will report on any developments relating to the treatment of aliens in pending Health Care Reform legislation.
- [Homeland Security Appropriations](#). Next week’s Weekly Legislative Update will report on any of this week’s developments relating to the Fiscal Year 2010 Homeland Security Appropriations Bill, which has become the vehicle for numerous controversial and not-so-controversial immigration-related legislative riders.
- [REAL ID Act Implementation](#). Next week’s Weekly Legislative Update will report on this week’s hearing in the Senate Committee on Homeland Security and Governmental Affairs on the REAL ID Act. ◇

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*Appendix*

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**Summary of Key Immigration-Related Differences between the House- and Senate-Passed Versions of H.R. 2892, the Fiscal Year 2010 Homeland Security Appropriations Act**

Last Updated: Monday, July 13, 2009

The chart that follows compares selected immigration- or refugee-related policy and appropriations provisions in the House- and Senate-passed versions of the Fiscal Year 2010 Homeland Security Appropriations Act.

**Side-by-Side Comparison of Selected Immigration- and Refugee-Related Appropriations and Policy Matters Addressed in the Fiscal Year 2010 Homeland Security Appropriations Act**

Item	Issue	House Bill	Senate Bill
1.	Funding for Immigration Services Ombudsmen	<p>The House-passed version of H.R. 2892 would appropriate \$6.685 MILLION for the Citizenship and Immigration Services Ombudsman.</p> <p>The committee report accompanying the House bill notes that this would be \$250,000 less than the amount the Administration requested and \$214,000 more than was provided in fiscal year 2009 for that purpose.</p>	<p>The Senate-passed version of H.R. 2892 would appropriate \$6.685 MILLION for the U.S. Citizenship and Immigration Services Ombudsman.</p> <p>The committee report accompanying the Senate bill notes that this would be \$250,000 less than the amount the Administration requested and \$214,000 more than was provided in fiscal year 2009 for that purpose.</p> <p>The report defended the Committee's decision by noting that "[f]unds are decreased below the request due to the delay in filling full-time permanent positions within this office."<sup>977</sup></p>
2.	Direct Appropriations for Refugee and Asylum Adjudications	<p>The committee report accompanying the House version of H.R. 2892 notes that the measure would directly appropriate \$100 MILLION in fiscal year 2010 for refugee and asylum adjudications, which is \$106 MILLION less than the Administration requested and \$206 MILLION than was appropriated for this purpose in fiscal year 2009.</p> <p>Language in the House committee report precludes USCIS from using those funds until it publishes a new final rule implementing a new schedule of fees for immigration applications.<sup>978</sup></p>	<p>The committee report accompanying S. 1298, the Senate version of H.R. 2892, notes that the Committee rejected the Administration's proposal that refugee and asylum adjudications be funded by a direct appropriation of \$201 MILLION rather than by continuing the current practice of assessing a surcharge on fees paid by applicants for other immigration services.</p> <p>Language in the Senate committee report indicates that the Committee was directing the Department of Homeland Security "to submit a reprogramming within 30 days after the date of enactment of this act, to reflect the continuation of these activities as fee funded."<sup>979</sup></p>

<sup>977</sup> [S. Rept. 111-31](#), Page 10

<sup>978</sup> [H. Rept. 111-157](#), Pages 128-131

<sup>979</sup> [S. Rept. 111-31](#), Page 117

Item	Issue	House Bill	Senate Bill
3.	Direct Appropriations for Military Naturalizations	The committee report accompanying the House version of H.R. 2892 notes that the bill has rejected the Administration's request that military naturalizations be funded through directly appropriated funds. Instead the Committee stated its expectation that the \$5.1 MILLION cost for military naturalizations should be borne by seeking a reimbursement from the Department of Defense. <sup>980</sup>	The committee report accompanying S. 1298 notes that the Committee supports the Administration's request that military naturalizations be funded through directly appropriated funds. In approving the request, the committee report notes that the Committee "supports appropriations to support those men and women serving this Nation in the military and has included \$5,000,000, as requested, for military naturalizations." <sup>979</sup>
4.	Immigration Integration Programs	<p>The committee report accompanying the House version of H.R. 2892 notes that the bill is providing \$11 MILLION for the promotion of legal paths to U.S. citizenship and outreach to immigrant communities in fiscal year 2010.</p> <p>The committee report notes that this would be an increase of \$9.2 MILLION in fiscal year 2010 compared to the \$1.9 MILLION that was provided for this purpose in fiscal year 2009, and that it is \$1 MILLION more than the Administration requested.<sup>981</sup></p>	<p>The committee report accompanying S. 1298 notes that the Committee has rejected the Administration's request for \$10 MILLION for immigrant integration programs, opting, instead to continue funding at \$1.2 MILLION, the amount provided in fiscal year 2009.</p> <p>In support of the committee's position, the committee report states, "[t]he Committee notes that the current year grant applications are still being evaluated and that the 2009 funds have yet to be awarded. The Committee does not recommend the \$10,000,000 requested in the budget for a new immigrant integration activity. The Committee notes that the Office of Citizenship Services has long provided admirable services to assist those individuals seeking to become U.S. citizens or otherwise legally adjust their status and will have \$6,400,000 of carry forward balances to continue these efforts. This makes a total of \$7,600,000 available for immigrant services and integration grants."<sup>979</sup></p>
5.	Basic Pilot/E-Verify Program	<p>The House-passed version of H.R. 2892 would appropriate a total of \$162 MILLION for the Basic Pilot/E-Verify Program, \$50 MILLION more than the Administration requested.<sup>982</sup></p> <p>In addition to appropriating funds for the E-Verify program, the House-passed version of H.R. 2892 would--</p> <ul style="list-style-type: none"> <li>• Extend the program for three years</li> <li>• Make reforms to protect the Social Security Administration.</li> </ul>	<p>The Senate-passed version of H.R. 2892 would appropriate a total of \$118.5 MILLION for the Basic Pilot/E-Verify Program, \$6.5 MILLION more than the Administration requested.</p> <p>In addition to appropriating funds for the E-Verify program, the Senate-passed version of H.R. 2892 would--</p> <ul style="list-style-type: none"> <li>• Permanently extend the program<sup>984</sup></li> <li>• Formally rename it the E-Verify Program<sup>984</sup></li> <li>• Require federal contractors to use the E-</li> </ul>

<sup>980</sup> [H. Rept. 111-157](#), Pages 128-131

<sup>981</sup> [H. Rept. 111-157](#), Pages 131-132

<sup>982</sup> This includes \$112 MILLION that was provided in the bill as it was reported by the House Appropriations Committee and an additional \$50 MILLION that was added by the Rogers Motion to Recommit that the House of Representatives agreed to on June 24, 2009

<sup>984</sup> As reported by the Senate Committee on Appropriations, S. 1298, the Senate version of the Fiscal Year 2010 Homeland Security Appropriations Act, would have extended the E-Verify program for three years. On Wednesday, July 8, 2009, the Senate agreed to Sessions Amendment 1371 to H.R. 2892, which would permanently extend the E-Verify Program. The Senate agreed to the Sessions amendment by a voice vote after first rejecting a Schumer motion to table it by a vote of 44-53

Item	Issue	House Bill	Senate Bill
		<p>The committee report accompanying the House version of H.R. 2892 notes that the most recent audit of the system “shows an unacceptably high rate of individuals falsely identified as ineligible to work.” It noted that “[o]f particular concern is the report’s conclusion that nearly 1 in 10 naturalized citizens is reported by Basic Pilot/E-Verify as non-work authorized.” The report strongly urges USCIS “to update and publish regular Basic Pilot/E-Verify accuracy and performance audits, so that Congress and Administration policy makers can remain informed of the system’s strengths and weaknesses.”</p> <p>The report also expresses the Committee’s strong support for efforts by USCIS “to establish a compliance group to monitor use of the Basic Pilot/E-Verify system and to ensure that companies enrolled in the program are not using it to take inappropriate or illegal employment actions.” The draft report notes that the Committee-approved bill will accommodate the Administration’s request to hire 40 Monitoring and Compliance staff “to ensure the system is not used for prohibited purposes.”<sup>983</sup></p>	<p>Verify program to verify the employment eligibility of their employees<sup>984</sup></p> <ul style="list-style-type: none"> <li>• Permit employers using the E-Verify System to use it to verify the work eligibility of existing employees, not just new-hires<sup>985</sup></li> </ul> <p>The committee report accompanying the Senate version of H.R. 2892 includes an extensive write-up on the E-Verify program, defending and expressing support for it. After explaining why it thinks USCIS has made great improvements in the program, the report goes on to state that, “[g]iven the concerns by some of the general public with E-Verify, the Committee urges USCIS to continue to work to enhance the system to further improve performance, to continue its public outreach and education campaign, and to perform a new, independent evaluation of the system during the first quarter of fiscal year 2010.”</p>
6.	EB-5 Regional Centers	There is no provision in the House-passed version of H.R. 2892 relating to EB-5 Regional Centers	Sec. 549 of the Senate-passed version of H.R. 2892 would permanently extend the EB-5 Regional Center Program. <sup>986</sup>

<sup>983</sup> [H. Rept. 111-157](#), June 16, 2009, Page 131

<sup>985</sup> This provision was not in the Senate Appropriations Committee-reported version of S. 1298, the Senate version of the Fiscal Year 2010 Homeland Security Appropriations Act. It was added to the measure on the Senate floor by Grassley Amendment 1415, which the Senate agreed to by a voice vote

<sup>986</sup> This section was not in the Senate Appropriations Committee-reported version of the Fiscal Year 2010 Homeland Security Appropriations Act. It was added to the measure on the Senate floor on July 8, 2009, by Leahy Amendment 1407, a second degree amendment to the Sessions E-Verify Amendment. The Senate agreed to the Leahy amendment by a voice vote. The Senate went on to agree to the Sessions amendment by a voice vote after first rejecting a Schumer motion to table it by a vote of 44-53

Item	Issue	House Bill	Senate Bill
7.	Special Immigrant Non-Minister Religious Worker Visas Program	There is no provision in the House-passed version of H.R. 2892 relating to the Special Immigrant Non-Minister Religious Worker Visas Program.	Sec. 571(a) of the Senate-passed version of H.R. 2892 would extend for three years the Special Immigrant Non-Minister Religious Worker Visa Program, extending it through September 30, 2012. The provision also would require U.S. Citizenship and Immigration Services to conduct a study and report on certain aspects of the program. <sup>987</sup>
8.	Conrad State 30 J-1 Visa Program	There is no provision in the House-passed version of H.R. 2892 relating to the Conrad State 30 J-1 Visa Program.	Sec. 571(b) of the Senate-passed version of H.R. 2892 would extend for three years the Conrad State 30 J-1 Visa Waiver Program <sup>988</sup> , extending it through September 30, 2012. <sup>935</sup>
9.	Relief for Widows and Orphans	There is no provision in the House-passed version of H.R. 2892 relating to relief for widows and orphans.	Sec. 571(c) of the Senate-passed version of H.R. 2892 would protect widows, widowers and orphans of deceased U.S. citizens and legal permanent residents who are in the family immigration system by allowing widows, widowers and orphans, to immigrate on a family-based visa despite the death of a petitioner. <sup>935</sup>
10.	Fencing Along the U.S. Border with Mexico	There is no provision in the House-passed version of H.R. 2892 relating to fencing along the U.S. border with Mexico	<p>Sec. 560 of the Senate-passed version of H.R. 2892 would impose a number of restrictions and mandates on the Administration with regard to fencing being constructed along the U.S. border with Mexico.</p> <p>More specifically, Sec. 560 of the Senate-passed version of H.R. 2892 would --</p> <ul style="list-style-type: none"> <li>• require that construction of the mandated 700 miles of fencing be completed by December 31, 2010;</li> <li>• provide that fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under the law; and</li> <li>• provide that funds for fence construction may not be withheld for failure to comply with consultation requirements.</li> </ul>

<sup>987</sup> This section was not in the Senate Appropriations Committee-reported version of the Fiscal Year 2010 Homeland Security Appropriations Act. It was added to the measure on the Senate floor on July 9, 2009, by Hatch Amendment 1428, which the Senate agreed to by unanimous consent

<sup>988</sup> The Conrad State 30 / J-1 Visa Waiver Program is used to place international medical graduates who have completed their medical education in the United States in underserved areas of the state. Normally, upon completion of their education, these international medical graduates are required to return to their country of nationality for at least two years before returning to the United States. However, under the Conrad State 30/J-1 Visa Waiver Program this home residency requirement can be waived for up to thirty (30) J-1 physicians annually. In exchange, the J-1 physicians must agree to practice medicine full time at a Delaware pre-approved sponsoring site for a minimum of three years. These practice sites must be located in federally designated Health Professional Shortage Area (HPSA) or a Medically Underserved area (MUA).

Item	Issue	House Bill	Senate Bill
			Sec. 560 of the Senate-passed version of H.R. 2892 also would impose reporting requirements on the Administration with regard to the construction of fencing along the U.S. border with Mexico. <sup>989</sup>
11.	SSA No-Match Letters	There is no provision in the House-passed version of H.R. 2892 relating to SSA No-Match Letters	Sec. 561 of the Senate-passed version of H.R. 2892 provide that none of the amounts made available under the Act may be used to implement changes to the final rule describing the process for employers to follow after receiving a “no match” letter in order to qualify for “safe harbor”. <sup>990</sup>

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**Excerpts from Senate Committee Report Accompanying H.R. 2982**  
**July 9, 2009**

**MIGRATION AND REFUGEE ASSISTANCE**

The Committee recommends \$1,677,800,000 for Migration and Refugee Assistance, which is \$197,356,000 above the request.

The Committee is concerned with the suffering of all refugees and IDPs, and notes that refugees and IDPs with disabilities have particular difficulties obtaining services. The Committee directs the Secretary of State and USAID Administrator to work with other governments and humanitarian organizations to ensure that assistance programs take into account the special needs of persons with disabilities and that they are included in the design and implementation of programs.

*Burma.*--The Committee remains concerned with refugees and IDPs in Burma and Thailand, and recommends the Secretary of State provide assistance to meet these needs in a timely manner.

*Columbia.*--The Committee recommends additional assistance for Columbian IDPs and refugees.

*Humanitarian Migrants to Israel.*--The Committee recommends \$25,000,000 for humanitarian migrants to Israel, the amount requested, to be awarded through an open and competitive process. According to the Department of State, the amount of humanitarian migrants to Israel has declined from almost 400,000 in 1990 to 7,300 in 2008. No funds may be used to support migrants who reside in settlements or outposts in the West Bank. The Department is to use funds to support migrants to Israel as it would to support migrants to the United States, including the length of time and type of support provided.

<sup>989</sup> This section was not in the Senate Appropriations Committee-reported version of the Fiscal Year 2010 Homeland Security Appropriations Act. It was added to the measure on the Senate floor on July 9, 2009, by DeMint Modified Amendment 1399, which the Senate agreed to by a vote of 54-44

<sup>990</sup> This section was not in the Senate Appropriations Committee-reported version of the Fiscal Year 2010 Homeland Security Appropriations Act. It was added to the measure on the Senate floor on July 8, 2009, by Vitter Modified Amendment 1375, which the Senate agreed to by a voice vote

*North Korea.*--The Committee recommends that assistance be made available for North Korean refugees, as authorized by Public Law 110-346.

*Refugee Resettlement.*--The Committee is concerned with the lack of sufficient resources for Iraqi and other refugees resettling in the United States due to funding shortfalls of resettlement organizations caused by the financial crises, and directs the Department of State to consult with the Committee on efforts to address this need.

*Tibetan Refugees.*--The Committee supports assistance for Tibetan refugees who have fled their homeland and are in transit in Nepal or resettled in India.

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