

PUBLICATION

DHS Appropriations: No Big Shifts, Key Extensions

Authors: Robert C. Divine

October 08, 2009

The congressional conference committee has agreed on the appropriations bill for the Department of Homeland Security for the fiscal year already begun and ending September 30, 2010. It continues to expand enforcement and verification funding and extends for three years the otherwise expiring provisions for "EB-5" investor green cards, permanent paths for religious workers, and home residency waivers for doctors serving rural areas. The bill will surely be enacted by both houses of Congress and signed by the President in the next few weeks.

Program Extensions. Importantly, the committee agreed to extend for three years a set of four different immigration provisions that were enacted with "sunset" dates and have been held hostage repeatedly in the larger struggle about "comprehensive immigration reform":

- "Regional Centers" that foster pooled investments creating 10 jobs per foreign investor under the "EB-5" permanent residence program, allowing the counting of "indirect" job creation.
- Sponsorship of religious workers for permanent residence.
- Waiver of the "home residency requirement" for certain doctors who trained in the U.S. in J-1 exchange visitor status and who commit to work for three years in an underserved area in the U.S.
- The voluntary "E-Verify" electronic employment verification system that the federal government, many states, and some private purchasers are requiring their vendors to use to confirm workers' employment authorization.

These programs have been getting extended for very short periods of time in connection with "continuing resolutions" under which Congress has extended the status quo in Homeland Security funding in the absence of larger agreement. A three year extension provides stability to the programs, but sets them up as pawns in the next showdown unless permanent extensions can be part of a comprehensive immigration package next year.

Increased Enforcement. One might have expected that a Democrat-controlled Congress might decrease funding for aspects of Homeland Security policy that the Bush Administration had pursued. But the bill substantially increases funding for building the Southwest Border fencing, guards for the border up to 20,000, removal of convicted criminals, comparison of criminally arrested persons' fingerprints with immigration case records, detention of aliens for removal, audits of employers, and "exit control" at international airports.

The only major enforcement initiative with decreased funding is REAL ID, the effort to enhance standards and data sharing among state departments of motor vehicles with the goal of turning state drivers license and identification documents into a de facto national identity system. States have pushed back on this effort, and the Obama Administration has continued the Bush Administration's pattern of continually delaying effective dates for implementing the 2005 federal legislation.