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Contents:

H.R. 6080—Emergency Border Security Supplemental Appropriations Act

H.R. 6080 - (Rep. Price, D-NC)

Order of Business: The bill is expected to be considered on Tuesday, August 10, 2010, under suspension of the rules.

Summary: The bill appropriates \$600 million, designated as emergency spending, through FY 2010 for the proposes of hiring and training approximately 1,500 new enforcement agents, the purchase of additional unmanned drones, and enforcement activities along the border. The bill offsets the cost of new spending with a \$100 million recession of U.S. Customs Border spending and higher H-1B and L-1 visa fees. Specifically, the bill does the following:

Title I - Department of Homeland Security Customs & Border Protection

Employees & Hiring: The bill appropriates \$253,900,000, remaining available though September, 30, 2011. Of these funds, \$39 million will be for the costs to maintain U.S. Customs and Border Protection (CBP) Officer staffing on the Southwest Border of the United States, \$29 million for the hiring of additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the Southwest Border of the United States, \$175.9 million for hiring additional Border Patrol agents for deployment to the Southwest Border of the United States, and \$10,000,000 shall be to support integrity and background investigation programs.

Border & Security: The bill appropriates \$14 million for costs of designing, building, and deploying tactical communications for support of enforcement activities on the Southwest Border of the United States, \$32 million for costs of acquisition and deployment of unmanned aircraft systems, \$6 million to construct up to 2 forward operating bases for use by the Border Patrol, \$80 million the enforcement activities of U.S. Immigration and Customs Enforcement (ICE) targeted at reducing the threat of violence along the Southwest Border of the United States and hiring of additional agents, investigators, intelligence analysts, and support personnel, and \$8.1 million for costs to provide basic training for new U.S. Customs and Border Protection Officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

The bill also rescinds \$100 million from the U.S. Customs and Border Protection “Border Security Fencing, Infrastructure, and Technology” fund.

Title II – Department of Justice

This tile appropriates \$196 million for increased law enforcement activities related to Southwest Border enforcement. This includes funding for the Drug Enforcement Agency, Bureau of Alcohol, Tobacco, Firearms and Explosives, Federal Bureau of Investigation, and U.S Marshal Service, among other agencies.

Title III – The Judiciary, Courts of Appeals, District Courts

The provision appropriates \$10 million for transfer between Judiciary accounts to meet increased workload requirements resulting from immigration and other law enforcement initiatives.

Title IV – General Provisions

Emergency Spending: The bill designates the entire \$600 million in appropriations under the bill as “emergency” spending.

Visa Fees: The bill increases the filing fee, fraud prevention, and detection fee required to be submitted with an application for L-1B dependent employers by \$2,250 and by \$2,000 for H-1B dependent employers seeking temporary workers through FY 2014. This increase applies to applicants that employ 50 or more employees that have more than 50 percent of their U.S. based employees using H-1B and L-1B visas. The bill designates the fees collected to the general treasury.

Additional Background: In May of 2006, President George W. Bush announced Operation Jump Start (OJS) which lasted from June 15, 2006 through July 15, 2008 and placed National Guard troops on the U.S. / Mexico border throughout California, Arizona, New Mexico and Texas. In total, more than 29,000 troops participated, and up to 6,000 were located on the border at any one time. The troops assisted with non-law enforcement duties such as repairing the secondary border fence, constructing nearly 1,000 metal barriers and flying border patrol agents to intercept illegal immigrants. The purpose of OJS was to secure the border, and free up border agents to catch and arrest illegal immigrants. The operation is cited as having helped border patrol agents in apprehending 176,000 illegal immigrants, seizing more than 1,100 vehicles and more than 321,000 pounds of marijuana and cocaine. National Guard troops built 19 miles of road, 38 miles of fencing, 96 miles of vehicle border barriers, and repaired 717 miles of road. While this operation did seem to curtail illegal immigration and reduce some drug smuggling, the consensus remains that the border remains unsecure and needs additional resources.

In a June 23, 2010, letter to Congressional leadership, President Obama requested \$600 million in additional funding for border security from Congress in order to “[secure the Southwest border and enhance federal border protection, law enforcement, and counternarcotics activities.](#)” .

H-1B Visas: This temporary nonimmigrant work visa for specialty occupations, which require the skills of a professional. It is issued for up to three years but may be extended for a maximum of six. Petitions for H-1B visas are submitted by employers based on their stated need for the non-U.S.-resident employee. The employee must have a minimum of a Bachelor’s degree, however in certain cases, experience can substitute for education. There are 65,000 H-1B visas issued every year.

L-1 Intracompany Transfer Work Visa: These visas are available to individuals who are employed outside the U.S. as executives, managers or in a position that requires specialized knowledge. The main requirement for this visa is that the individual be employed outside of the U.S. and is being transferred to a branch, subsidiary, affiliate, or joint venture partner that is located within the U.S. Currently, there are no quota restrictions for L-1 work visas. Spouses and children of L-1 visa holders are allowed to come to the U.S. and may be issued an L-2 visa.

Committee Action: H.R. 5875 was introduced on July 27, 2010, and was referred to the House Committee on Appropriations, which took no action. On July, 28, 2010, the House passed the bill by a voice vote and received in the Senate. On August 5, 2010, Senator Schumer proposed an amendment to H.R. 5875, which passed the Senate by Unanimous Consent. H.R. 6080 was introduced, identical to the Senate amendments to H.R. 5875, because legislation raising revenue (i.e. visa fees) cannot originate from the Senate. The Constitution requires revenue measures to originate in the House. The Senate will have to pass H.R. 6080 again before the bill can be signed into law.

Administration Position: A Statement of Administration Policy (SAP) for the Senate Amendments to H.R. 6080 is unavailable at press time. However, the President officially requested this funding in June.

Cost to Taxpayers: No CBO score is available. However, the bill appropriates \$600 million and rescinds \$100 million, and increases H1-B Visa and L-1 Visa fees to reportedly raise \$552 million over 10 years.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill expands the number of CBP and ICE employees and mission to conduct border security operations.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No committee report citing any potential earmarks is available, though the legislation does not appear to contain any earmarks.

Constitutional Authority: No committee report citing constitutional authority is available.

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