

113TH CONGRESS
2^D SESSION

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Making emergency supplemental appropriations for the fiscal year ending
September 30, 2014, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY _____ (legislative day, JULY _____), 2014

Ms. MIKULSKI introduced the following bill;

A BILL

Making emergency supplemental appropriations for the fiscal
year ending September 30, 2014, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2014, and for other pur-
6 poses, namely:

1 TITLE I
2 SOUTHWESTERN BORDER CRISIS
3 CHAPTER 1
4 DEPARTMENT OF JUSTICE
5 GENERAL ADMINISTRATION
6 ADMINISTRATIVE REVIEW AND APPEALS

7 For an additional amount for “Administrative Review
8 and Appeals” to cover necessary expenses to respond to
9 the significant rise in unaccompanied children and adults
10 with children at the southwest border and related activi-
11 ties, \$123,400,000, to remain available until September
12 30, 2015: *Provided*, That such amount is designated by
13 the Congress as an emergency requirement pursuant to
14 section 251(b)(2)(A)(i) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985: *Provided further*,
16 That of the amount provided:

17 (1) \$6,700,000 is for the Executive Office of
18 Immigration Review for courthouse equipment and
19 automated system requirements;

20 (2) \$5,000,000 is for the Executive Office for
21 Immigration Review Legal Orientation Program;

22 (3) \$50,000,000 is for the Executive Office for
23 Immigration Review to implement a program to pro-
24 vide counsel for unaccompanied alien children; and

1 *Provided*, That such amount is designated by the Congress
2 as an emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 U.S. CUSTOMS AND BORDER PROTECTION

6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-
8 penses” to cover necessary expenses to respond to the sig-
9 nificant rise in unaccompanied children and adults with
10 children at the southwest border and related activities, in-
11 cluding the acquisition, construction, improvement, repair,
12 and management of facilities, and for necessary expenses
13 related to border security, \$320,549,000, to remain avail-
14 able until September 30, 2015: *Provided*, That such
15 amount is designated by the Congress as an emergency
16 requirement pursuant to section 251(b)(2)(A)(i) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

19 AIR AND MARINE OPERATIONS

20 For an additional amount for “Air and Marine Oper-
21 ations” to cover necessary expenses to respond to the sig-
22 nificant rise in unaccompanied children and adults with
23 children at the southwest border and related activities,
24 \$22,111,000, to remain available until September 30,
25 2015: *Provided*, That such amount is designated by the

1 Congress as an emergency requirement pursuant to sec-
2 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985.

4 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
5 SALARIES AND EXPENSES

6 For an additional amount for “Salaries and Ex-
7 penses” to cover necessary expenses to respond to the sig-
8 nificant rise in unaccompanied children and adults with
9 children at the southwest border and related activities, and
10 for the necessary expenses for enforcement of immigration
11 and customs law, detention and removals of adults with
12 children crossing the border unlawfully, and investiga-
13 tions, \$762,795,000, to remain available until September
14 30, 2015: *Provided*, That such amount is designated by
15 the Congress as an emergency requirement pursuant to
16 section 251(b)(2)(A)(i) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 GENERAL PROVISION—THIS CHAPTER

19 SEC. 1201. Any appropriations provided to the De-
20 partment of Homeland Security by this title may be repro-
21 grammed or transferred without limitation between such
22 appropriations after notification to the Committees on Ap-
23 propriations of the Senate and the House of Representa-
24 tives: *Provided*, That prior to the obligation of such funds,

1 a request shall be submitted to such Committees 15 days
2 in advance of such reprogramming or transfer.

3 CHAPTER 3
4 DEPARTMENT OF HEALTH AND HUMAN
5 SERVICES
6 ADMINISTRATION FOR CHILDREN AND FAMILIES
7 REFUGEE AND ENTRANT ASSISTANCE
8 (INCLUDING TRANSFER OF FUNDS)

9 For an additional amount for “Refugee and Entrant
10 Assistance”, \$1,200,000,000, to be merged with and avail-
11 able for the same period and purposes as funds appro-
12 priated in Public Law 113–76 “for carrying out such sec-
13 tions 414, 501, 462, and 235”: *Provided*, That funds ap-
14 propriated under this heading may also be used for other
15 medical response expenses of the Department of Health
16 and Human Services in assisting individuals identified
17 under subsection (b) of section 235 of the William Wilber-
18 force Trafficking Victims Protection Reauthorization Act
19 of 2008 and for acquisition, construction, improvement,
20 repair, operation, and maintenance of real property and
21 facilities: *Provided further*, That, the Secretary may, in
22 this fiscal year and hereafter, accept and use money,
23 funds, property, and services of any kind made available
24 by gift, devise, bequest, grant, or other donation for car-
25 rying out such sections: *Provided further*, That funds ap-

1 appropriated under this heading for medical response ex-
2 penses may be transferred to and merged with the “Public
3 Health and Social Services Emergency Fund”: *Provided*
4 *further*, That such transfer authority is subject to the reg-
5 ular notification procedures of the Committees on Appro-
6 priations: *Provided further*, That not less than \$1,000,000
7 shall be transferred to the Department of Health and
8 Human Services “Office of Inspector General” to perform
9 oversight, accountability, and evaluation of programs,
10 projects, or activities supported with the funds provided
11 for the purposes provided herein: *Provided further*, That
12 the Secretary shall take such action as necessary to ensure
13 that social services, preventive health, and targeted assist-
14 ance activities under section 414 of the Immigration and
15 Nationality Act and section 501 of the Refugee Education
16 Assistance Act of 1980 are funded in fiscal year 2014 at
17 levels as prescribed in the detailed table in division H of
18 the explanatory statement accompanying Public Law 113–
19 76: *Provided further*, That such amount is designated by
20 the Congress as an emergency requirement pursuant to
21 section 251(b)(2)(A)(i) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

1 BILATERAL ECONOMIC ASSISTANCE
2 FUNDS APPROPRIATED TO THE PRESIDENT
3 ECONOMIC SUPPORT FUND
4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for “Economic Support
6 Fund”, \$212,500,000, to remain available until Sep-
7 tember 30, 2015, for necessary expenses to implement the
8 strategy required in section 1401 of this chapter to ad-
9 dress the root causes of migration from Central America,
10 including to support the safe repatriation and reintegra-
11 tion of migrants: *Provided*, That funds appropriated under
12 this heading in this Act may be transferred to, and merged
13 with, funds made available under the heading “Complex
14 Crises Fund” in title III of acts making appropriations
15 for the Department of State, foreign operations, and re-
16 lated programs, and may be further transferred under ex-
17 isting relevant authorities: *Provided further*, That funds
18 transferred pursuant to the previous proviso shall remain
19 available until September 30, 2015: *Provided further*, That
20 of the funds appropriated under this heading in this Act,
21 \$5,000,000 shall be transferred to the Inter-American
22 Foundation for in-country training and other programs
23 for at-risk youth in Central America: *Provided further*,
24 That of the funds appropriated under this heading in this
25 Act, \$10,000,000 shall be transferred to the Department

1 of Justice to support programs to build investigative and
2 prosecutorial capacity in the justice systems of Guatemala,
3 Honduras, and El Salvador: *Provided further*, That such
4 amount is designated by the Congress as an emergency
5 requirement pursuant to section 251(b)(2)(A)(i) of the
6 Balanced Budget and Emergency Deficit Control Act of
7 1985.

8 INTERNATIONAL SECURITY ASSISTANCE

9 DEPARTMENT OF STATE

10 INTERNATIONAL NARCOTICS CONTROL AND LAW

11 ENFORCEMENT

12 For an additional amount for “International Nar-
13 cotics Control and Law Enforcement”, \$85,000,000, to re-
14 main available until September 30, 2015, for necessary ex-
15 penses to implement the strategy required in section 1401
16 of this chapter to address the root causes of migration
17 from Central America, including to strengthen law en-
18 forcement and judicial system capacity: *Provided*, That
19 such amount is designated by the Congress as an emer-
20 gency requirement pursuant to section 251(b)(2)(A)(i) of
21 the Balanced Budget and Emergency Deficit Control Act
22 of 1985.

1 GENERAL PROVISIONS—THIS CHAPTER
2 (INCLUDING TRANSFER OF FUNDS)

3 MULTI-YEAR PREVENTION AND RESPONSE STRATEGY

4 SEC. 1401. Not later than 90 days after enactment
5 of this Act and prior to the obligation of funds appro-
6 priated under this chapter in this Act, the Secretary of
7 State and the Administrator of the United States Agency
8 for International Development (USAID), following con-
9 sultation with the heads of other relevant United States
10 Government agencies, the Committees on Appropriations
11 and the Committee on Foreign Relations of the Senate
12 and the Committee on Foreign Affairs of the House of
13 Representatives, civil society organizations, and national
14 and local governments in Central America, shall jointly
15 submit to such committees an integrated, multi-year pre-
16 vention and response strategy to inform Central American
17 children and their families of the dangers of the journey
18 to the United States and to address the root causes of
19 migration from Central America, including: to strengthen
20 social services, law enforcement, and judicial system ca-
21 pacity (with an emphasis on community policing and other
22 community violence reduction programs) to dismantle
23 criminal gangs, combat other organized crime and violence
24 (including domestic and sexual abuse), extortion, narcotics
25 trafficking, and human smuggling and trafficking; elimi-

1 nate public sector corruption and strengthen governance;
2 develop child welfare services (including shelters); provide
3 safe educational, vocational, and technical training oppor-
4 tunities for children and youth; address obstacles to equi-
5 table economic growth and support job creation programs;
6 expand the activities of the United Nations High Commis-
7 sioner for Refugees in Central America; and to support
8 the safe repatriation and reintegration of migrants: *Pro-*
9 *vided*, That the Secretary of State and the USAID Admin-
10 istrator shall implement such strategy through civil society
11 organizations to the maximum extent practicable: *Pro-*
12 *vided further*, That such strategy shall also include pro-
13 jected annual funding requirements, specific goals, and
14 benchmarks for measuring progress: *Provided further*,
15 That the Secretary of State shall designate a senior offi-
16 cial to oversee coordination and implementation of the
17 strategy: *Provided further*, That the Secretary of State
18 should suspend assistance for a central government in
19 Central America made available by this Act and prior acts
20 making appropriations for the Department of State, for-
21 eign operations, and related programs if the Secretary, in
22 consultation with the USAID Administrator, as appro-
23 priate, determines that such government is not cooper-
24 ating in meeting such goals and benchmarks.

1 COST-MATCHING REQUIREMENT

2 SEC. 1402. Funds appropriated by this Act and prior
3 acts making appropriations for the Department of State,
4 foreign operations, and related programs under the head-
5 ings “Economic Support Fund” and “International Nar-
6 cotics Control and Law Enforcement” that are made avail-
7 able to address the root causes of migration from Central
8 America, and to support the safe repatriation and re-
9 integration of migrants, shall be made available, to the
10 maximum extent practicable, on a cost-matching basis:
11 *Provided*, That the Secretary of State shall inform the
12 Committees on Appropriations on efforts to implement the
13 requirement of this section.

14 CONSULTATION AND NOTIFICATION

15 SEC. 1403. Funds appropriated under this chapter
16 in this Act may only be made available for obligation and
17 transfer following consultation with the Committees on
18 Appropriations and the Committee on Foreign Relations
19 of the Senate and the Committee on Foreign Affairs of
20 the House of Representatives, and such funds and funds
21 appropriated in prior Acts making appropriations for the
22 Department of State, foreign operations, and related pro-
23 grams to address the root causes of migration from Cen-
24 tral America, and to support the safe repatriation and re-
25 integration of migrants, shall be subject to the regular no-

1 tification procedures of the Committees on Appropria-
2 tions.

3 OVERSIGHT

4 SEC. 1404. Of the funds appropriated by this Act
5 under the headings “Diplomatic and Consular Programs”,
6 “Economic Support Fund”, and “International Narcotics
7 Control and Law Enforcement”, not less than \$500,000
8 shall be transferred to, and merged with, funds appro-
9 priated under the heading “Department of State and Re-
10 lated Agency, Administration of Foreign Affairs, Office of
11 Inspector General”, and not less than \$1,000,000 shall be
12 transferred to, and merged with, funds appropriated under
13 the heading “United States Agency for International De-
14 velopment, Funds Appropriated to the President, Office
15 of Inspector General” for the purpose of oversight of funds
16 appropriated under this chapter in this Act: *Provided*,
17 That funds transferred pursuant to this section shall re-
18 main available until September 30, 2015.

19 CHAPTER 5

20 GENERAL PROVISIONS—THIS TITLE

21 SEC. 1501. Not to exceed \$250,000,000 of any ap-
22 propriation made available in this title may be transferred
23 between such appropriations with the approval of the Di-
24 rector of the Office of Management and Budget: *Provided*,
25 That the Committees on Appropriations of the Senate and

1 the House of Representatives are notified 15 days in ad-
2 vance of any such transfer by the Director of the Office
3 of Management and Budget: *Provided further*, That such
4 transfer authority is in addition to any other transfer au-
5 thority provided by this or any other Act.

6 SEC. 1502. The Secretary of Homeland Security, in
7 consultation with the Secretary of State and the Attorney
8 General, shall submit to the Committees on Appropria-
9 tions of the Senate and the House of Representatives a
10 plan on the steps the United States Government will take
11 to interdict and disrupt human smuggling, trafficking or-
12 ganizations and other transnational criminal organizations
13 transporting unaccompanied children and adults with chil-
14 dren to the southwest border of the United States: *Pro-*
15 *vided*, That such plan shall include, but not be limited to,
16 investigations into smuggling and trafficking methods, de-
17 tailed resource and staffing requirements at each Depart-
18 ment to combat these organizations, and how existing as-
19 sets will be deployed to secure the border: *Provided fur-*
20 *ther*, That such plan shall be submitted within 45 days
21 from enactment of this Act with quarterly updates there-
22 after until September 30, 2015.

1 TITLE II
2 WILDLAND FIRE MANAGEMENT
3 DEPARTMENT OF AGRICULTURE
4 FOREST SERVICE
5 WILDLAND FIRE MANAGEMENT

6 For an additional amount for “Wildland Fire Man-
7 agement” to cover necessary expenses for wildfire suppres-
8 sion and emergency rehabilitation activities of the Forest
9 Service, \$615,000,000, to remain available until expended:
10 *Provided*, That such funds shall only become available if
11 funds previously provided for wildland fire suppression will
12 be exhausted imminently and the Secretary of Agriculture
13 notifies the Committees on Appropriations of the House
14 of Representatives and the Senate in writing of the need
15 for these additional funds: *Provided further*, That such
16 amount is designated by the Congress as an emergency
17 requirement pursuant to section 251(b)(2)(A)(i) of the
18 Balanced Budget and Emergency Deficit Control Act of
19 1985.

20 GENERAL PROVISIONS—THIS TITLE
21 WILDFIRE DISASTER FUNDING AUTHORITY

22 SEC. 2101. (a) IN GENERAL.—Section 251(b)(2) of
23 the Balanced Budget and Emergency Deficit Control Act
24 of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at
25 the end the following:

1 “(E) FLAME WILDFIRE SUPPRESSION.—

2 “(i) If a bill or joint resolution mak-
3 ing appropriations for a fiscal year is en-
4 acted that specifies an amount for wildfire
5 suppression operations in the Wildland
6 Fire Management accounts at the Depart-
7 ment of Agriculture or the Department of
8 the Interior, then the adjustments for that
9 fiscal year shall be the amount of addi-
10 tional new budget authority provided in
11 that Act for wildfire suppression operations
12 for that fiscal year, but shall not exceed—

13 “(I) for fiscal year 2015,
14 \$1,410,000,000 in additional new
15 budget authority;

16 “(II) for fiscal year 2016,
17 \$1,460,000,000 in additional new
18 budget authority;

19 “(III) for fiscal year 2017,
20 \$1,557,000,000 in additional new
21 budget authority;

22 “(IV) for fiscal year 2018,
23 \$1,778,000,000 in additional new
24 budget authority;

1 “(V) for fiscal year 2019,
2 \$2,030,000,000 in additional new
3 budget authority;

4 “(VI) for fiscal year 2020,
5 \$2,319,000,000 in additional new
6 budget authority; and

7 “(VII) for fiscal year 2021,
8 \$2,650,000,000 in additional new
9 budget authority.

10 “(ii) As used in this subparagraph—

11 “(I) the term ‘additional new
12 budget authority’ means the amount
13 provided for a fiscal year, in excess of
14 70 percent of the average costs for
15 wildfire suppression operations over
16 the previous 10 years, in an appro-
17 priation Act and specified to pay for
18 the costs of wildfire suppression oper-
19 ations; and

20 “(II) the term ‘wildfire suppres-
21 sion operations’ means the emergency
22 and unpredictable aspects of wildland
23 firefighting including support, re-
24 sponse, and emergency stabilization
25 activities; other emergency manage-

1 ment activities; and funds necessary
2 to repay any transfers needed for
3 these costs.

4 “(iii) The average costs for wildfire
5 suppression operations over the previous
6 10 years shall be calculated annually and
7 reported in the President’s Budget submis-
8 sion under section 1105(a) of title 31,
9 United States Code, for each fiscal year.”.

10 (b) DISASTER FUNDING.—Section 251(b)(2)(D) of
11 the Balanced Budget and Emergency Deficit Control Act
12 of 1985 (2 U.S.C. 901(b)(2)(D)) is amended—

13 (1) in clause (i)—

14 (A) in subclause (I), by striking “and” and
15 inserting “plus”;

16 (B) in subclause (II), by striking the pe-
17 riod and inserting “; less”; and

18 (C) by adding the following:

19 “(III) the additional new budget
20 authority provided in an appropriation
21 Act for wildfire suppression operations
22 pursuant to subparagraph (E) for the
23 preceding fiscal year.”; and

24 (2) by adding at the end the following:

1 “(v) Beginning in fiscal year 2017
2 and in subsequent fiscal years, the calcula-
3 tion of the ‘average funding provided for
4 disaster relief over the previous 10 years’
5 shall include for each year within that av-
6 erage the additional new budget authority
7 provided in an appropriation Act for wild-
8 fire suppression operations pursuant to
9 subparagraph (E) for the preceding fiscal
10 year.”.

11 REPORTING REQUIREMENTS

12 SEC. 2102. (a) SUPPLEMENTAL APPROPRIATIONS.—

13 If the Secretary of the Interior or the Secretary of Agri-
14 culture determines that supplemental appropriations are
15 necessary for a fiscal year for wildfire suppression oper-
16 ations, the Secretary of the Interior or the Secretary of
17 Agriculture, as applicable, shall promptly submit to Con-
18 gress estimates for such supplemental requirements.

19 (b) ACCOUNTING, REPORTS AND ACCOUNT-
20 ABILITY.—

21 (1) ACCOUNTING AND REPORTING REQUIRE-
22 MENTS.—In each fiscal year, the Secretary of the
23 Interior and the Secretary of Agriculture shall ac-
24 count for and report on the amounts used from the
25 additional new budget authority for wildfire suppres-

1 sion operations provided to the Secretary of the In-
2 terior or the Secretary of Agriculture, as applicable,
3 in an appropriations Act pursuant to subparagraph
4 (E)(ii) of section 251(b)(2) of the Balanced Budget
5 and Emergency Deficit Control Act of 1985 (2
6 U.S.C. 901(b)(2)) (as amended by section 2101(b)
7 of this Act).

8 (2) ANNUAL REPORT.—

9 (A) IN GENERAL.—Not later than 180
10 days after the end of each fiscal year for which
11 additional new budget authority is used pursu-
12 ant to subparagraph (E)(ii) of section
13 251(b)(2) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985 (2 U.S.C.
15 901(b)(2)) (as amended by section 2101(b) of
16 this Act), the Secretary of the Interior or the
17 Secretary of Agriculture, as applicable, shall—

18 (i) prepare an annual report with re-
19 spect to the additional new budget author-
20 ity;

21 (ii) submit to the appropriate commit-
22 tees of Congress the annual report pre-
23 pared under clause (i); and

24 (iii) make the report prepared under
25 clause (i) available to the public.

1 (B) COMPONENTS.—The annual report
2 prepared under subparagraph (A) shall—

3 (i) document risk-based factors that
4 influenced management decisions with re-
5 spect to wildfire suppression operations;

6 (ii) analyze a statistically significant
7 sample of large fires, including an analysis
8 for each fire of—

9 (I) cost drivers;

10 (II) the effectiveness of risk man-
11 agement techniques;

12 (III) any resulting ecological or
13 other benefits to the landscape;

14 (IV) the impact of investments in
15 wildfire suppression operations pre-
16 paredness;

17 (V) suggested corrective actions;

18 and

19 (VI) any other factors the Sec-
20 retary of the Interior of the Interior
21 or the Secretary of Agriculture deter-
22 mine to be appropriate;

23 (iii) include an accounting of overall
24 fire management and spending by the De-
25 partment of the Interior or the Depart-

1 ment of Agriculture, which is broken out
2 by fire size, cost, regional location, and
3 other factors;

4 (iv) describe any lessons learned in
5 the conduct of wildfire suppression oper-
6 ations; and

7 (v) include any other elements that
8 the Secretary of the Interior or the Sec-
9 retary of Agriculture determine to be nec-
10 essary.

11 TITLE III

12 DEPARTMENT OF DEFENSE

13 PROCUREMENT

14 PROCUREMENT, DEFENSE-WIDE

15 For an additional amount for “Procurement, De-
16 fense-Wide”, \$225,000,000, to remain available until Sep-
17 tember 30, 2015, which shall be for the Secretary of De-
18 fense to provide to the Government of Israel for the pro-
19 curement of the Iron Dome defense system to counter
20 short-range rocket threats: *Provided*, That such funds
21 shall be transferred immediately only through an exchange
22 of letters to address emergent operations in support of Op-
23 eration Protective Edge, notwithstanding section 3.1.3.2.1
24 of the U.S.-Israel Iron Dome Procurement Agreement:
25 *Provided further*, That nothing in this paragraph shall be

1 construed to apply to previously appropriated funds for
2 the procurement of Iron Dome: *Provided further*, That
3 such amount is designated by the Congress as an emer-
4 gency requirement pursuant to section 251(b)(2)(A)(i) of
5 the Balanced Budget and Emergency Deficit Control Act
6 of 1985.

7 TITLE IV

8 GENERAL PROVISION—THIS ACT

9 AVAILABILITY OF FUNDS

10 SEC. 4101. Each amount designated in this Act by
11 the Congress as an emergency requirement pursuant to
12 section 251(b)(2)(A)(i) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985 shall be available
14 only if the President subsequently so designates all such
15 amounts and transmits such designations to the Congress.

16 This Act may be cited as the “Emergency Supple-
17 mental Appropriations Act, 2014”.