

On 6/4/07, the Senate resumed consideration of amendments to the CIR bill (S. 1348).

Highlights:

- Majority Leader Reid (D-NV) announced that he hopes to pass a final bill by the end of this week.
- Senator Bingaman (D-NM) discussed two amendments to the Y visa program
- Four amendments were agreed to by Unanimous Consent, including an amendment from Senator Grassley (R-IA) (#1166) abolishing judicial review on visa revocations made by the Secretary of State.

Summary of Senate Proceedings—6/4/07

Debate on the floor reopened today with several Senators providing general comments on the underlying legislation. While nearly all Senators who spoke expressed support for passing some kind of comprehensive immigration reform, Senator Sessions (R-AL) began the debate with his now customary attacks on the bill, citing “20 flaws” in the legislation being considered that require, in his opinion, that the debate not conclude this week as planned, but instead be allowed to spill over into next week to give Senators more time to digest the contents of the bill and introduce more amendments.

Senator Dorgan (D-SD) next took the podium and delivered a speech calling for strong enforcement measures in the underlying bill. Senator Kyl (R-AZ) then spoke and cited the need for both sides of the debate to recognize that not everyone will like or support everything in the bill, so each side must be willing to swallow things they don’t want in order to pass a bipartisan bill. That said, he also cited what for him are certain “dealbreaker” amendments—such as Senator Menendez’s proposed family reunification amendment to increase the number of green cards available for parents of U.S. citizens—that would destroy the bipartisan nature of the bill and, if adopted, at the very least, cause him to withdraw his support, thereby jeopardizing final passage of the measure. Senator Menendez strongly criticized the notion that any Senator might view any single amendment, including his own on family reunification, as a “killer” amendment, particularly in light of the potentially historic moment at hand and the unique opportunity the Senate has to pass meaningful and truly comprehensive immigration reform.

Bingaman/Obama Amendment Removing the 2-1-2-1-2 Timetable from the Y Visa Program (#XXXX)

In the course of the general comments above, Senator Bingaman (D-NM) described two amendments he planned on introducing. The first one seeks to remove the requirement that Y visa holders leave the U.S. for a year before they are able to renew their visa. As it stands, S.1348 requires Y visa holders to conform to a 2-1-2-1-2 timetable: work for 2 years in the U.S., leave for a year and reapply for another two year period, then leave again for a year and reapply once more for the final two year period. Senator Bingaman stated in detail the many problems associated with this provision—costly to implement; large number of overstays probable; impossible to enforce effectively—and how

unworkable it really is. Senator Bingaman therefore urged that the Y visa provisions in the underlying bill return to the form it had in last year's Senate bill (S. 2611), something his amendment would accomplish if passed. AILA supports passage of this amendment.

Bingaman Amendment (#XXXX)

Senator Bingaman also introduced a separate amendment involving Y visa workers. This amendment comes as a follow up to his successful amendment in the first week of debate, cutting the Y visa program from 400,000 visas per year, down to 200,000 annually. That amendment also eliminated the market based adjustment mechanism from the bill.

While we have not seen a copy of the new amendment, Senator Bingaman said he is proposing it in order to eliminate the current H-2B exemption for returning seasonal workers (who, under this bill, would be redesignated as Y-2B workers). Under the current bill, these returning seasonal worker visas are not counted against the annual 200,000 visa cap imposed by Senator Bingaman's earlier amendment. Senator Bingaman argued that the 200,000 must be a hard and fast number, without any loopholes or exemptions, and the amendment he described would achieve just that. AILA will provide more information about this amendment once the amendment text becomes available.

The following amendments were agreed to by Unanimous Consent:

- **Cantwell (D-WA) (#1167)** amendment to set up the Northern Border Prosecution Initiative, providing federal funds to jurisdictions on the northern border that prosecute criminal cases that DOJ initiates but declines.
- **Alexander (R-TN) (#1163)** amendment to establish awards for business leadership in promoting American citizenship.
- **Cornyn (R-TX) (#1238)** amendment to increase the annual authorization for Border Relief Grant Program from \$50M to \$100M
- **Grassley (R-IA) (#1166)** amendment abolishing judicial review on visa revocations made by the Secretary of State.

*In general, AILA believes this "bargain" bill is unacceptable and unworkable **in its current form**. However, while the process is still very much in flux, we are working closely with our allies to improve the bargain as much as possible during Senate floor debate this week. We will keep you posted about amendment information as it becomes available.*