On 6/7/07, the Senate continued consideration of amendments to the CIR bill (S. 1348).

Highlights:

• Cloture votes:

- o Morning cloture vote failed, 34-61.
- o Evening cloture vote failed, 45-50.
- o Following this failure of the evening cloture vote, Majority Leader Reid withdrew the comprehensive immigration reform bill from consideration on the Senate floor.

Summary of Senate Proceedings—6/6/07

The Senate began the day with discussion of an amendment from Senator Coburn (R-OK) requiring full implementation of the US-VISIT program in order to trigger benefits for the Y and Z visa programs. However, the key matter for the day revolved around the motions brought, as promised, by Majority Leader Reid to invoke cloture and effectively set a deadline to end debate and proceed to a final vote on the underlying bill.

Morning Motion to Invoke Cloture

Majority Leader Reid (D-NV) submitted a motion to invoke cloture early this morning. A vote on cloture requires approval 3/5 of the Senate, or 60 votes. The vote to invoke cloture on the underlying bill failed, 34-61, so no deadline for ending debate was set. Every Republican voted no on cloture, and 15 Democrats also voted no. Senator Sanders (I-VT) voted no, as well.

Majority Leader Reid promised to submit another motion to invoke cloture later in the evening, and threatened to pull the entire comprehensive immigration reform bill off the table if the evening cloture vote didn't pass. Majority Leader Reid indicated that failure of this second cloture vote would be a clear sign that "certain Senators will never vote to pass" the underlying bill, and are essentially stalling by introducing a stream of amendments, one after the other, in order to gut the bill of its original intentions, or kill it entirely.

Evening Motion to Invoke Cloture

After much behind the scenes negotiating between key Senators on both sides of the aisle throughout the day, Majority Leader Reid late this evening submitted another motion to invoke cloture. At 9 pm, the votes were tallied and the motion to invoke cloture was defeated. Following this defeat, Majority Leader Reid withdrew the bill from floor consideration. As a result, the senate's immigration reform measure has been pulled for the time being. Senate leaders on both sides of the aisle did express a desire to bring the

measure back to the floor in the not too distant future. This could mean in a few weeks, or a few months. See you in Orlando."

Coburn Amendment (#1311) Regarding US-VISIT Program

Prior to a brief debate on the cloture vote, Senator Coburn (R-OK) introduced an amendment imposing additional conditions, including "operational control" of borders, that must be met as part of "trigger" system prior to implementation of titles IV and VI of the underlying bill. These titles include the Y visa new worker program and the legalization program for Z visa holders.

This amendment failed, 42-54.

The following amendments were discussed today, but not voted on:

Dodd Amendment (#1199) to Remove Ceiling on Parent Immigrant Visas

Senator Dodd (D-CT) introduced an amendment he initially discussed prior to the recess, one that seeks to increase family unification. The amendment would address provisions in the current bill curtailing visa availability for parents of USC sponsors. In particular, it would increase the green card cap on visas issued to parents of USCs to 90,000, up from the 40,000 set aside in the underlying bill, making sure sufficient numbers of visas are available to those parents coming to the U.S. It would also lengthen parent visitor stays to 180 days, up from the 30 days allowed for in the underlying bill. Finally, the amendment would make penalties for parent overstays applicable only to those parents, not their USC sponsors.

Senator Menendez then spoke in strong favor of this amendment, chastising those who characterize family reunification as mere "chain migration," and declaring that those who denigrate parents coming to the U.S., wanting to join their USC children, have simply chosen to dismiss the very essence of what America was built on.

Sanders Amendment (#1332) Prohibiting Companies from Receiving Visas if a Layoff Has or Will Occur

Senator Sander (I-VT) introduced an amendment to prohibit companies from receiving any visas if there has been a notice or a "mass layoff" under the Worker Adjustment and Retraining Notification Act in the past year, or if there will be a layoff in the next six months. This overbroad amendment means, for example, that employees currently working on temporary visas could be prohibited from adjusting status to permanent

residence, even if they are in a profitable business sector separate from the one in which layoffs occurred.

Baucus Amendment (#1236) Removing the Requirement that REAL ID Compliant Documents Be Used in Employer Verification System

Senator Baucus (D-MT) introduced an amendment removing provisions relating to REAL ID from Title III, the Employment Eligibility Verification System portion of the underlying bill. Specifically, the amendment, out of concern for "the privacy and civil liberties of Americans," strikes the requirements that driver's licenses comply with REAL ID to serve as valid identification. According to Senator Tester (D-MT), a cosponsor of the bill, it will simply be impossible for states to be compliant with REAL ID requirements within the next decade, let alone upon enactment of the underlying bill. Senator Akaka (D-HI), another co-sponsor, urged that the flaws inherent in the REAL ID program not be inflicted on employers before they are worked out.

<u>Coleman Amendment (#1473) to Allow States and Localities to Inquire About Immigration Status</u>

This amendment was Senator Coleman's second attempt to pass a local law enforcement amendment that failed during the first week of debate. The amendment would prohibit states and localities from preventing their employees—including police and health and safety workers—from inquiring about the immigration status of those they serve if there is "probable cause" to believe the individual being questioned is undocumented. This version of the amendment would also make implementation of this prohibition a "trigger" condition that must be met before the earned legalization and new worker programs can commence.

Many cities, counties, and police departments have decided that it is a matter of public health and safety NOT to ask about immigration status when people report crimes or seek emergency medical care. For this reason, they have passed local laws and set policies limiting the situations in which police and government employees can inquire about immigration status. These laws and policies are not "sanctuary" ordinances, but rather laws intended to help maintain the trust of local communities and thereby facilitate the critical work of local law enforcement agencies. The Coleman amendment would not help, but hinder the efforts of local police to keep our communities safe. AILA strongly opposes this amendment.

Webb Amendment (#1313) Eliminating "Touchback" Requirement for Z Visa Holders

Senator Webb introduced an amendment yesterday that has three main purposes. First, the amendment proposes to establish objective criteria in order to determine which undocumented individuals have sufficient ties to the U.S. in order to be granted Z visa status. Among the criteria proposed are: whether an individual has immediate relatives living in the U.S.; the length of time an individual has lived in the U.S.; whether an individual owns property or a business in the U.S.; work history; and proficiency in English.

The second part of the Webb amendment strikes the "touchback" requirement in the underlying bill, requiring Z visa holders to apply for adjustment of status in their home country, as opposed to applying in the U.S. The third and final component of the Webb amendment requires that individuals be present in the U.S. for four years prior to the date of enactment of the underlying bill, in order to qualify for adjustment from Z visa status. Despite the positive elimination of the touchback requirement, AILA opposes this amendment due to the other provisions contained within.

McCaskill Amendment (#1148) Barring Employers Who Hire Undocumented Workers From Federal Contracts

Senator McCaskill (D-MO) introduced an amendment barring employers convicted of employing unauthorized aliens from federal contracts for 5 years (cf. 2 years), without waiver.

Chambliss Amendment (#1318) to Protect Social Security Trust Fund

AILA has not yet seen the text of this amendment.

<u>Chambliss Amendment (#1319) Raising Fines for Ag Workers to Legalize and Adjust</u>

Senator Chambliss (R-GA) introduced an amendment instituting parity in fines paid by agricultural workers and non-agricultural workers who legalize under the Z visa program. Specifically, the amendment would increase the fines that undocumented agricultural workers pay to apply for a Z visa, from \$100 in the underlying bill, to \$1000, the same fine that all other Z visa applicants must pay. Furthermore, the amendment increases the fees agricultural workers must pay to adjust to LPR status from Z visa status, from \$1000 in the underlying bill to \$4000, the same fee that all other Z visa holders who apply for a green card must pay. However, the amendment does allow agricultural workers to deduct \$1000 per year that they work in agriculture in Z visa status, up to a maximum discount of \$3000 off the \$4000 green card application fee.

The following amendments were introduced yesterday but not voted on:

Thune Amendment (#1174) to Prevent Immediate Legal Status Being Granted to Undocumented

Senator Thune (R-SD) introduced an amendment to eliminate what he termed the "loophole" in the underlying bill giving the undocumented the ability to attain immediate legal status upon enactment of the bill. The amendment would require that certain border security measures be triggered, or met, before any probationary benefits are granted to those who legalize their status. AILA opposes this amendment.

Senator Dole (R-NC) Amendment (#1345) Regarding DWI Convictions

Senator Dole introduced an amendment regarding DWI convictions and the undocumented. AILA has not yet seen the text of this amendment. Further details on the amendment will be provided as soon as they become available.

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.