

American Immigration Lawyers Association

Senate Defeats Attempts to Delay Legalization Component and Strike Temporary Worker Program from Bill

The Senate resumed debate today on the Comprehensive Immigration Reform Act of 2006 (S. 2611) (the “Hagel-Martinez compromise”) after a positive speech last night by President Bush that stressed the need for a comprehensive approach to reform. Below is a summary of today’s events. As previously reported, work on the bill could continue until the Memorial Day recess.

Today’s debate began with brief statements by the Majority and Minority Leaders. Majority Leader Frist lauded President Bush’s address to the nation last night, during which the President stressed the need to both secure our borders *and* to implement immigration reform that is comprehensive in nature. Senator Frist agreed that securing the border is only one piece of the immigration equation and that we need comprehensive reform to make it all work.

Minority Leader Reid made similar comments, noting that he would support placing the National Guard on the border as an interim measure (as President Bush called for in his speech)—but not as a permanent solution.

Senator Isakson (R-GA) then spoke on his amendment (no. 3961), which would prohibit the granting of legal status, or adjustment of current status, to any individual who enters or entered the United States in violation of federal law unless the border security measures authorized under Title I and section 233 of Title II (construction of additional detention facilities) are fully completed and fully operational.

Senator Salazar (D-CO) introduced a competing amendment (no. 3994), which would prohibit implementation of Titles IV and VI of the bill until the President determines that implementation of those titles would strengthen the national security of the United States. He argued that Senator Isakson’s approach would not be effective because it would require us to throw even more money at failed enforcement policies—as we’ve been doing for years now—without ever dealing with the heart of the problem.

After several hours of debate, the Isakson amendment was **defeated** on a vote of 40-55. Eighteen Republicans voted against the Isakson amendment, while 7 Democrats voted for it.

The Salazar amendment subsequently **passed** on a vote of 79-16.

After a midday recess for party business, Senators returned to take up debate on an amendment offered by Senators Dorgan (D-ND) and Stabenow (D-MI) (no. 4017) that would prohibit aliens who are currently outside the U.S. from participating in the new H-2C temporary worker (“future flows”) program. After a good deal of debate, the Senate approved 69-28 a motion offered by Senator Specter to table the Dorgan amendment, which had the effect of killing the amendment.

Senators Bingaman (D-NM) and Feinstein (D-CA) next offered an amendment (no. 3981) that would lower the annual numerical cap for H-2C guestworkers from 325,000 to 200,000 and

eliminate the annual market-based escalator. The amendment **passed** by a voice vote. A motion to table the Bingaman amendment failed on a vote of 18-79.

Next up was an amendment offered by Senator Kerry (D-MA) (no. 3999) that would allow the Secretary of Homeland Security to deploy up to 1,000 additional border patrol agents if the governor of a border state declares an international border security emergency and requests additional agents. In addition, it would require at least 100 additional helicopters and 250 power boats, as well as training for their use, and one police-type vehicle per every three border patrol agents, with each vehicle having a portable computer. The amendment also would require that all agents have a two-way, clear and encrypted radio, a GPS device, night vision equipment when applicable, high quality body armor, reliable and effective weapons, and uniforms appropriate for climate conditions. The amendment **passed** on a voice vote.

Debate ended for the day with Senator Kyl offering an amendment (no. 4027), cosponsored by Senators Cornyn (R-TX), Graham (R-SC), Allen (R-VA), McCain (R-AZ), Frist (R-TN), Brownback (R-KS), and Martinez (R-FL), that would prohibit any unauthorized alien from obtaining legalization if he is a convicted felon, has had three convictions for misdemeanors (these provisions were in the 1986 legalization), or has already been ordered removed. This updated version of an earlier amendment contains ameliorative provisions that would broaden waiver language allowing more individuals to participate in legalization.

A vote on amendment no. 4027 will be the first order of business tomorrow morning, followed by consideration of amendments offered by Senators Obama (prevailing wage issues), Inhofe (English as official language), Sessions (border fencing), and others.

As always, we will continue to update you as the process unfolds.

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