



United States Conference of Catholic Bishops Government Relations

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Weekly Update on Immigration and Refugee Legislative Matters 111th Congress, First Session

Monday, November 30, 2009

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Legislative Highlights

Senate to Take Up Health Care Reform Bill Containing Significant Immigration Provisions - [1172-1174](#)
House Panel to Hold Hearing on Immigration Detention Practices ----- [1172-1172](#)
House Panel to Hold Hearing on Construction of Border Stations ----- [1171-1172](#)
Conference on Bill Funding Immigration Court System Possible but Unlikely This Week ---- [1174-1177](#)

Senate Agrees to Take Up Health Care Bill Containing Significant Immigration Provisions - [1178-1178](#)
Senate Passes Human Rights Enforcement Act ----- [1177-1178](#)

Congress returns this week from a week-long Thanksgiving Day recess for what is expected to be a three-to-four-week-long sprint to the finish line for the first session of the 111th Congress. Health care reform and completion of the fiscal year 2010 appropriations bills will dominate the stage when Congress returns this week.

This Week's Hearings

At the time of this writing, two hearings had been scheduled for this week at which significant immigration- or refugee-related matters could be discussed. Both hearings are occurring in the U.S. House of Representatives:

- **Construction of Border Stations.** A House panel has scheduled a hearing for this week to examine the construction of border stations.
- **Examination of Immigration Detention Practices.** A House panel has scheduled a hearing for this week on immigration detention management.

House

Construction of Border Stations Using Economic Stimulus Funds: The House Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings and Emergency Management has scheduled a hearing for this week titled, "Stimulus Tracking Hearing

No. 4: Ensuring Money Means Security When Building GSA [General Services Administration] Border Stations to Protect

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the USA.” This week's hearing is scheduled for 10:00 am EST on Wednesday, December 2, 2009, in Room 2167 of the Rayburn House Office Building.

Anticipated Witnesses. At the time of this writing, the list of witnesses at this week's hearing had not been made available. ☀

Examination of Immigration Detention Practices:

The House Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism has scheduled a hearing for this week on immigration detention management. This week's hearing is scheduled for 10:00 am EST on Thursday, December 3, 2009, in Room 311 of the Cannon House Office Building.

Anticipated Witnesses. At the time of this writing, the list of witnesses at this week's hearing included the following:

- Christopher L. Crane, Vice President, Detention and Removal Operations, American Federation of Government Employees, National ICE Council 118;
- Donald M. Kerwin Jr., Vice President for Programs, Migration Policy Institute; and
- Brittany Nystrom, Senior Legal Adviser, National Immigration Forum. ☀

Senate

At the time of this writing, no hearings were scheduled for this week in the Senate at which significant immigration- or refugee-related matters are expected to be discussed. ◇

This Week's Markups

At the time of this writing, no committee actions that have implications for immigration- or refugee-related matters were scheduled for this week in the House or Senate. ◇

This Week's Floor Activity

At the time of this writing, two measures containing significant immigration- or refugee-related provisions could see House or Senate floor action this week:

- **Health Care Reform.** The Senate is scheduled to begin consideration of H.R. 3590, the vehicle that has been selected for considering health care reform legislation.
- **Appropriations for the Immigration Courts, Alternatives to Detention, and State Criminal Alien**

Assistance Program. Congress could take up the conference report accompanying the Fiscal Year 2010 Commerce, Justice, Science, and Related Agencies Appropriations Bill if conferees resolve the differing House and Senate versions of the measure.

House

With the possible exception of the potential consideration of the conference agreement accompanying the Fiscal Year 2010 Commerce, Justice, Science, and Related Agencies Appropriations Bill, no significant floor action is expected this week on immigration or refugee legislation in the full House of Representatives.

Senate

Senate to Begin Considering Amendments to Health Care Reform Bill:

The Senate this week is scheduled to begin considering amendments to a landmark health care reform bill that contains significant provisions that would impact the ability of both legal and illegal aliens to access health care in the United States. Senate action is set to begin on Monday, November 30, 2009, at 3:00 pm. The Senate is expected to have the measure under consideration through Christmas Eve, and possibly beyond. This week's Senate floor action will occur in connection with the Reid Substitute Amendment Number 2786 to H.R. 3590.

Parliamentary Situation. At the time of this writing, no unanimous consent agreement providing for the disposition of amendments to the health care reform bill was in place. Thus, as a technical matter, an unlimited number of floor amendments may be offered to the bill and each of those amendments can be subjected to a filibuster.

Notwithstanding the lack of an agreement on how to dispose of amendments to the health care reform bill, the Senate is expected to operate under procedures that will require any amendment offered to win the votes of 60 senators before it can be adopted. Moreover, it is anticipated that 60 votes will be required to advance the bill past the amendment stage.

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This Week's Floor (continued)

Precarious Balance of Votes. Senate Majority Leader Harry Reid (D-NV) is in a precarious legislative situation. If Republican opponents of the health care reform bill use all of the obstructionist tactics that are available to them, the Majority Leader would need the votes of 60 senators and would have to exhaust dozens of hours to bring debate to a close on any amendment that is offered to the measure. This situation effectively imposes a 60-vote requirement on all amendments -- a requirement that may be difficult requirement for the Majority Leader to meet, even on amendments that are necessary in order to win the support of up at least six wavering members of the Democratic Caucus.

An example of how difficult it may be for the Majority Leader to muster the 60 votes he will need on vote-after-vote in relation to the health care reform bill is the procedural hurdle he had to overcome in order to get the bill before the Senate. On Saturday, November 21, 2009, the Senate voted to invoke cloture (bring debate to a close) on a motion to proceed to consideration of H.R. 3590, legislation that has become the vehicle for a health care reform bill assembled by the Majority Leader. The Senate invoked cloture by a party-line vote of 60-39. The 60 votes that the Majority Leader mustered to shut down debate was the minimum that was needed. Immediately following the vote to invoke cloture, the Senate agreed to the motion to proceed to the bill, and Majority Leader Reid laid down Senate Amendment Number 2786, a substitute amendment reflecting the text of his health care reform bill. The Reid Substitute is now the vehicle for floor amendments to the health care reform bill.

The outcome of the November 21 cloture effort was in doubt for most of the week leading up to the vote. This is because no Republican senators were expected to vote to invoke cloture on the motion to proceed and four moderate Democratic senators had expressed serious reservations about the bill. Those four Democrats: Senators Blanche Lincoln (D-AR) and Mary Landrieu (D-LA), Ben Nelson (D-NE), and Joseph Lieberman (I-CT) have expressed even more serious reservations about the merits of bill that is now before the Senate, indicating that they cannot vote for moving beyond the amendment stage if the text of the bill remains as it currently is written. The Reid Substitute is being attacked from the left of the Democratic party, as well. At least two liberal Democratic senators have expressed serious reservations about voting for the bill on final passage: Senators Bernard Sanders (I-VT) and Roland Burris (D-IL). The defection of any one of these six senators could well mean that the Senate would not be able to proceed past the amendment stage.

Immigration Provisions. The Reid Substitute Amendment that the Senate is now considering contains a number of provisions relating to immigrants' access to health insurance. Its immigration-related provisions are substantially similar to

those that are contained in the Senate Finance Committee's health care reform bill. However, there are some changes around the edges.

As was the case with the Senate Finance Committee bill, the Reid Substitute would exempt persons who are not lawfully present in the United States from the measure's general mandate that virtually everyone living lawfully in the United be covered by a qualified health insurance plan or face tax penalties for failure to comply. The Reid Substitute also mirrors the Finance Committee bill's provision that would make legal immigrants eligible for health care affordability tax credits without regard to a waiting period. And although there is a slight change in the phraseology, the new bill generally would bar aliens who are not lawfully present in the United States from using their own funds to purchase health insurance products that are listed on the Health Insurance Exchange that the bill would create. The Reid Substitute would establish a new citizenship and immigration status verification regime that would exist in order to ensure that persons who are not lawfully present in the United States do not receive health insurance products and benefits from which they are barred. It would rely on the recently enacted Children's Health Insurance Program reauthorization bill's mechanism for verification. It would subject everyone who purchases health insurance through the exchange, benefits from an exchange plan, or receives an affordability tax credit, to a citizenship and immigration status verification using the new regime.

The Congressional Hispanic Caucus (CHC) is bitterly opposed to at least one provision in the Senate bill. That provision would bar undocumented aliens from using their own funds to purchase health insurance products that are listed on health insurance exchanges that would be created by the bill. Representative Luis Gutierrez (D-IL), Chairman of the CHC Immigration Task Force has called the proposal "mean-spirited" and "dehumanizing."

In addition to the immigration provisions that are included in the Reid Substitute, it is anticipated that it will become the target of a number of floor amendments that would further restrict immigrants' access to health insurance.

Several Areas of Controversy. The immigration provisions in the Reid Substitute represent only one of several areas of controversy that could prove difficult for the Senate as it forges ahead on health care legislation. Other controversial issues include the question of whether the bill should contain a public option (it does, as drafted) and whether it should place strict restrictions on abortion coverage (the House bill does; the Senate bill, as drafted does not place restrictions on abortion that the pro-life community believes are meaningful).

How We Got to this Point. Senate Majority Leader Reid unveiled his 2,074 page-long Substitute Amendment on Wednesday, November 18, 2009. He spent more than a month putting it together, taking parts from bills approved by

the Senate Committee on Finance and Senate Committee on Health, Education, Labor, and Pensions. He unveiled the measure after holding a special, 5:00 pm Wednesday evening meeting of the Senate Democratic Caucus. The Majority Leader formally moved on Thursday, November 19, that the Senate proceed to consideration of the measure (this motion is popularly referred to as a "motion to proceed"). Immediately thereafter, he filed a cloture petition to shut off debate on the motion to proceed.

As the week before Thanksgiving Day began, it was questionable whether Senate Majority Leader Reid would be able to muster the 60 votes necessary to bring the health care reform bill before the Senate. This was, in part, because at least four Democratic senators (Senators Mary Landrieu (D-LA), Ben Nelson (D-NE), Blanche Lincoln (D-AR), and Joe Lieberman (I-CT)) were thought to be considering voting against invoking cloture on the motion to proceed to the bill. Given the partisan makeup of the Senate and the unlikelihood that any of the Senate's 40 Republicans would vote to invoke cloture on the motion to proceed to the bill, the Majority Leader needed the votes of all 60 sitting Democrats, including the four wavering Democrats, in order to prevail and bring the bill before the full Senate. He ultimately was successful in that endeavor.

The Majority Leader's success, however, by no means assures that the Senate will pass a health care reform bill. Senators Landrieu, Nelson, Lincoln, and Lieberman have made it clear that their votes in favor of permitting the bill to move forward should not be mistaken for support for the legislation as it currently is drafted. Indeed, Senators Nelson and Landrieu have made it clear that they cannot support the bill as it currently is drafted.

The Senate resumes debate on the measure on Monday, November 30. ☼ ◇

This Week's Conference Activity

At the time of this writing, only one measure containing significant immigration- or refugee-related provisions is the subject of House-Senate conference committee deliberations:

- **Appropriations for the Immigration Courts, Alternatives to Detention, and State Criminal Alien Assistance Program.** House-Senate conferees could meet as soon as this week to begin formally resolving the different provisions in the House- and Senate-passed versions of the Fiscal Year 2010 Commerce, Justice, Science, and Related Agencies Appropriations Bill, which contains a number of significant immigration-related spending provisions.

Conferees Could Meet This Week to Begin Resolving Differences on Varying Versions of FY '10 Bill that Funds the Immigration Court System and Alternatives to Detention: House and Senate negotiators could meet as soon as this week to resolve differences between the House-passed and Senate-passed versions of the bill that funds the nation's immigration court system, the State Criminal Alien Assistance Program (SCAAP) and alternatives to detention for immigration detainees. However, reports indicate that while the conference is ready to proceed, the House Democratic Leadership is likely to avoid appointing conferees this week in order to avoid a vote that Republicans want to force that would bar bringing Guantanamo detainees to the United States for trial.

Should conferees meet and reach an agreement, it will take place in connection with H.R. 27847, the Fiscal Year 2010 Commerce, Justice, Science, and Related Agencies Appropriations Act.

Legislative History. The following is a brief legislative history of H.R. 2847:

- **House Committee Actions.**

1. On June 4, 2009, the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies marked up its version of H.R. 2847, forwarding the measure to the full Committee on Appropriations.¹⁹¹³
2. On June 9, 2009, the full House Committee on Appropriations held a markup session, ordering that the bill be reported to the full House of Representatives as an original measure.¹⁹¹⁴
3. On June 12, 2009, the full House Committee on Appropriations formally reported H.R. 2847 to the House of Representatives.

- **House Floor Actions.**

1. On June 16, 2009, the full House of Representatives took up H.R. 2847, passing it on June 18, 2009, by a vote of 259-157.¹⁹¹⁵

¹⁹¹³ See Pages 603-604 of the [June 8, 2009, edition of the Weekly Legislative Update](#) for a summary of the June 4, 2009, House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies markup of H.R. 2847

¹⁹¹⁴ See Pages 641-642 of the [June 15, 2009, edition of the Weekly Legislative Update](#) for a report on the June 9, 2009, full House Appropriations Committee markup of H.R. 2847.

¹⁹¹⁵ [House Roll Call No. 408](#), June 18, 2009

- **Senate Committee Actions.**

1. On June 24, 2009, the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies marked up its version of H.R. 2847, forwarding the measure to the full Committee on Appropriations.
2. On June 25, 2009, the full Senate Committee on Appropriations held a markup session, ordering that the bill be reported to the full Senate as an original measure.
3. On June 25, 2009, the full Senate Committee on Appropriations formally reported its version of H.R. 2847 to the full Senate.

- **Senate Floor Actions.**

1. On Thursday, November 5, 2009, the full Senate passed H.R. 2847 by a vote of 71-28.¹⁹¹⁶

Summary of House Bill's Immigration- and Refugee-Related Provisions. As passed by the House, H.R. 2847 contains the following immigration-related provisions:

- **Executive Office for Immigration Review.** The House-passed version H.R. 2847 would appropriate \$296.685 MILLION for the Department of Justice's Administrative Review and Appeals section. The bulk of those funds are for EOIR. This is the same amount requested by the Administration and approximately \$30.685 MILLION, or 11.2 percent, above the fiscal year 2009 appropriation.

The committee report accompanying H.R. 2847 includes the following directives on EOIR's spending:

1. **Personnel and Infrastructure Increases.** The committee report notes that the bill includes \$24.253 MILLION for personnel and infrastructure investments needed to efficiently process an increasing immigration adjudication caseload. Of this total, \$10.250 MILLION is for the eWorld document management system to improve EOIR's ability to store, distribute and archive its files.
2. **Legal Orientation Program (LOP).** The bill includes \$6.5 MILLION, an increase of \$2.5 MILLION, for the continued implementation and expansion of the LOP. EOIR is encouraged to seek alien-specific detention costs and duration of detention data from ICE in order to develop a more accurate estimate of the LOP's cost savings to the government.

- **U.S. Marshall's Service.** The committee report accompanying H.R. 2847 notes that the measure includes \$114.345 MILLION to the U.S. Marshall's Service for new personnel, infrastructure, information technology and other items necessary "to address the enormous workload generated by increased enforcement activity in other agencies and bureaus. The Committee hopes that this investment will at least partially alleviate the pressure on other Marshals programs, such as fugitive apprehension, now that more dedicated personnel will be available to handle the immigration-related caseload."
- **State Criminal Alien Assistance Program.** The committee report accompanying H.R. 2847 notes that the measure includes \$400 MILLION for the State Criminal Alien Assistance Program (SCAAP), a program for which the Obama Administration proposed zero funding. This is the same amount appropriated for SCAAP in fiscal year 2009.¹⁹¹⁷

House Committee Directives. In addition to its provisions that appropriate or earmark funding for immigration-related functions and activities, the committee report accompanying H.R. 2847 contains a number of immigration-related policy directives. Among them are the following:

- **Executive Office for Immigration Review.** With regard to the Executive Office for Immigration Review—
 1. **Competency Standards.** The committee report accompanying H.R. 2847 directs EOIR to report to the House and Senate Committees on Appropriations within 30 days of the enactment of this Act on the status of its efforts to develop a competency bench book that judges can use to evaluate the competency of persons appearing in immigration court. The committee report directs that EOIR's report also address the steps the Department of Justice has taken to provide safeguards for the rights of aliens judged to be mentally incompetent, as required by 8 U.S.C. 1229a(b)(3).
 2. **Fraud Program.** The committee report accompanying H.R. 2847 urges EOIR to set written standards and criteria for use in judging potentially fraudulent evidence and testimony provided to an immigration court. It notes that "[t]he lack of such

¹⁹¹⁶ [Senate Roll Call No. 340](#), November 5, 2009

¹⁹¹⁷ *As reported by the House Committee on Appropriations, H.R. 2847 would have appropriated \$300 MILLION for the State Criminal Alien Assistance Program (SCAAP). That amount was increased to \$400 MILLION by a floor amendment that was offered by House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies Chairman Alan Mollohan (D-WV), which the House agreed to by a voice vote*

standards encourages an ad hoc approach to fraud enforcement that may result in inconsistent or inaccurate determinations.”

Summary of Senate Bill's Immigration- and Refugee-Related Provisions. As passed by the Senate, H.R. 2847 contains the following immigration- and refugee-related provisions:

- **Executive Office for Immigration Review.** The Senate-passed version of H.R. 2847 would appropriate \$300.685 MILLION for the Department of Justice's Administrative Review and Appeals section. The bulk of those funds are for the Executive Office for Immigration Review (EOIR). This is the same amount requested by the Administration and approximately \$30.685 MILLION, or 11.2 percent, above the fiscal year 2009 appropriation.

Of the amount that the Senate bill would appropriate for EOIR, \$4 MILLION would be transferred from the Examinations Fee account and the remainder would be directly appropriated.

Senate Committee Directives. The committee report accompanying the Senate Appropriations Committee-reported version of H.R. 2847 contains a number of directives. Among them are the following—

- Executive Office for Immigration Review. With regard to the Executive Office for Immigration Review--
 1. **Personnel and Infrastructure Increases.** The Committee recommendation includes \$24.253 MILLION for personnel and infrastructure investments needed to efficiently process an increasing immigration adjudication caseload. Of this total, \$10.250 MILLION is for the eWorld document management system to improve EOIR's ability to store, distribute and archive its files.
 2. **Legal Orientation Program (LOP).** The bill includes \$6.5 MILLION, an increase of \$2.5 MILLION, for the continued implementation and expansion of the LOP. The Committee report notes that the amount in the bill includes \$2 MILLION "for Legal Orientation Programs for custodians of unaccompanied alien children to address the custodian's responsibility for the child's appearance at all immigration proceedings, and to protect the child from mistreatment, exploitation, and trafficking.
- **State Criminal Alien Assistance Program.** The committee report accompanying the Senate Appropriations Committee-reported version of H.R. 2847 notes that the measure includes \$228 MILLION for the State Criminal Alien Assistance Program (SCAAP),

a program for which the Obama Administration proposed zero funding. This would be a cut of \$172 MILLION in the amount appropriated for SCAAP in fiscal year 2009.

- **U.S. Marshall's Service.** The committee report accompanying the Senate Appropriations Committee-reported version of H.R. 2847 notes that the Committee "strongly supports the U.S. Marshal Service increase in funding for immigration enforcement." In justifying the increase in funding, the committee report stated that "[i]n the past, the U.S. Marshals Service was forced to divert resources from fugitive apprehension to address this growing problem."

House Floor Consideration and Immigration-Refugee-Related Floor Amendments.

Numerous proposed floor amendments were filed by Members to H.R. 2847 in anticipation of House consideration of the measure. However, the House Committee on Rules ultimately precluded most of the immigration-related amendments that Members sought to offer to the bill from being offered. In the end, only one immigration-related amendment was offered to H.R. 2847 during the full House of Representatives' consideration of the measure:

- **MOLLOHAN INCREASED SCAAP FUNDING AMENDMENT.**—House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies Chairman Alan Mollohan (D-WV) offered an amendment that would have increased funding for the State Criminal Alien Assistance Program (SCAAP) by \$100 MILLION. The amendment would offset that reduces funding for the Justice Department's justice information sharing technology unified financial management system by \$21 million and reduces funds for the state and local enforcement assistance program by \$79 million. The amendment then increases funding for the state criminal alien assistance program by \$100 million.

The House agreed to the Mollohan Amendment by a voice vote.

Senate Floor Consideration and Immigration-Refugee-Related Floor Amendments.

Senate consideration of H.R. 2847 was dominated by an attempt by Senators David Vitter (R-OK) and Robert Bennett (R-UT) to attach an amendment to the measure that sought to bar representation of noncitizens in the U.S. House of Representatives. The senators would have implemented the proposal by requiring that the 2010 census ask all persons living in the United States about their immigration and citizenship status. In the end, the Senate blocked consideration of the Vitter/Bennett amendment when it invoked cloture on the bill.

The Senate took up H.R. 2847 beginning on Monday, October 5, 2009. It had the measure under consideration off-and-on throughout that week. On October 7, 2009, the

Senate rejected a proposal that sought to bar funding to state and local governments that have policies restricting communications between their local law enforcement agencies and Department of Homeland Security enforcement personnel. On that same day, Senators Vitter and Bennett offered their amendment to require the 2010 decennial census enumeration to ask every person living in the United States about their citizenship and immigration status, prompting Senate Majority Leader Harry Reid (D-NV) to pull the bill from the Senate floor.

The Senate briefly resumed consideration of H.R. 2847 on October 13, 2009, when Majority Leader Reid attempted to shut off debate on the bill and bar nongermane amendments (including the Vitter/Bennett Amendment) from being offered to it. However, that attempt failed by three votes. The bill remained off of the Senate floor until November 5, when the Senate took up the bill again, invoked cloture on it, disposed of all remaining amendments, and passed it.

The following lists the immigration-related votes that occurred during the Senate's consideration of H.R. 2847:

- **VITTER SANCTUARY AMENDMENT.** On Wednesday, October 7, 2009, Senator David Vitter (D-LA) offered Senate Amendment Number 2630 to H.R. 2847, the Fiscal Year 2010 Commerce, Justice, Science, and Related Agencies Appropriations Bill. The amendment would have to barred Community Oriented Policing Services (COPS) funding to jurisdictions that have a "sanctuary" policy barring local law enforcement personnel from communicating with Department of Homeland Security enforcement personnel.

The Senate tabled (killed) the Vitter Sanctuary Amendment by a vote of 61-38.

- **FIRST MOTION TO INVOKE CLOTURE.** On Tuesday, October 13, 2009, Senate Majority Leader Harry Reid (D-NV) moved to invoke cloture on H.R. 2847, a procedural tactic that would have shut off debate on the measure and barred nongermane amendments from being offered to the bill.

The Senate failed to invoke cloture by a vote of 56-38 (60 votes were necessary to invoke cloture)

- **SECOND MOTION TO INVOKE CLOTURE.** On Thursday, November 5, 2009, Senate Majority Leader Harry Reid (D-NV) moved for a re-vote of the October 13, 2009, vote by which the Senate failed to invoke cloture on H.R. 2847.

The Senate invoked cloture by a vote of 60-39 (60 votes were necessary to invoke cloture)

- **INCREASED FUNDING FOR SCAAP AMENDMENT.** On Thursday, November 5, 2009, the Senate rejected an amendment offered by Senator John Ensign (R-NV) (Senate Amendment Number 2648) that would have increased funding in the bill for the State Criminal Alien Assistance Program (SCAAP) by \$172 MILLION.

The Senate rejected the Ensign SCAAP Amendment by a vote of 32-67.

Outlook. The differences in the bill's immigration-related provisions are minimal and not expected to generate any controversy. ☼ ◇

This Week's Executive Activity

No executive branch actions impacting immigration- or refugee-related legislation is anticipated this week. ◇

Last Week's Legislative Activity

Last Week's Hearings

There were no hearings last week in either the House or Senate at which significant immigration- or refugee-related matters were discussed.

Last Week's Markups

There were no markups last week in either the House or Senate of legislation containing significant immigration- or refugee-related provisions.

Last Week's Floor Activity

There was no floor action last week in either the House or Senate on legislation containing significant immigration- or refugee-related provisions.

However, the full Senate acted on two measures containing significant immigration- or refugee-related provisions during the week of November 16, 2009:

- **Health Care Reform.** The Senate agreed to the motion to proceed to consideration of the health care reform bill.
- **Human Rights Enforcement Act of 2009.** The Senate passed S. 1472, the Human Rights Enforcement Act of 2009.

Senate Passes Human Rights Enforcement Act:
The Senate has passed a measure aimed at enabling the

United States to better identify and punish persons in the United States who have committed human rights violations. Senate action occurred on Saturday, November 21, 2009, in connection with S. 1472, the Human Rights Enforcement Act of 2009. The Senate passed the measure by unanimous consent.

As passed by the Senate, S. 1472 would direct the Attorney General of the United States to --

- establish a section to enforce human rights laws within the Criminal Division of the Department of Justice (DOJ) which is authorized to identify individuals suspected of serious human rights offenses and to prosecute, denaturalize, or extradite such individuals; and
- as appropriate, consult with the Secretary of Homeland Security and the Secretary of State in making determinations regarding the prosecution, removal, denaturalization, extradition, or exclusion of naturalized citizens or aliens who are suspected of committing serious human rights offenses.

The measure would define "serious human rights offenses" to include genocide, torture, war crimes, Nazi persecution, or the use or recruitment of child soldiers. The measure, further, would amend the federal criminal code and the Immigration and Nationality Act to revise legal requirements relating to the crime of genocide.

Next Steps. Now that the Senate has passed S. 1472, the next step in the legislative process is its consideration by the House of Representatives. The measure is expected to be referred to the House Committee on the Judiciary once it is received there. ☀

Senate Agrees to Take Up Health Care Reform Bill: The Senate has agreed to proceed to the vehicle by which the Senate is considering health care reform legislation. The Senate acted on Saturday, November 21, 2009, in connection with a motion to invoke cloture on a motion to proceed to consideration of H.R. 3590, legislation that has been designated as the vehicle by which the Senate is to consider health care reform legislation. The Senate invoked cloture on the motion to proceed to consideration of the measure by a vote of 60-39. The Senate went on to agree to the motion to proceed.¹⁹¹⁸

The health care reform bill that the Senate agreed to take up contains a number of provisions relating to immigrants' access to health insurance. Its immigration-related provisions are substantially similar to those that were contained in the Senate Finance Committee's health care reform bill. However, there are some changes around the edges.

As was the case with the Senate Finance Committee bill, the bill that the Senate has agreed to consider would exempt persons who are not lawfully present in the United States from the measure's general mandate that virtually everyone living lawfully in the United States be covered by a qualified health insurance plan or face tax penalties for failure to comply. The new measure also mirrors the Finance Committee bill's provision that would make legal immigrants eligible for health care affordability tax credits without regard to a waiting period. And although there is a slight change in the phraseology, the new bill generally would bar aliens who are not lawfully present in the United States from using their own funds to purchase health insurance products that are listed on the Health Insurance Exchange that the bill would create. The new bill would establish a new citizenship and immigration status verification regime that would exist in order to ensure that persons who are not lawfully present in the United States do not receive health insurance products and benefits from which they are barred. It would rely on the recently enacted Children's Health Insurance Program reauthorization bill's mechanism for verification. It would subject everyone who purchases health insurance through the exchange, benefits from an exchange plan, or receives an affordability tax credit, to a citizenship and immigration status verification using the new regime.

Next Steps. Now that the Senate has agreed to take up the health care reform bill, the next step in the legislative process is the beginning of consideration of amendments to the bill. This is set to occur beginning at 3:00 pm EST on Monday, November 30, 2009. ☀ ◇

Last Week's Conference Activity

There was no conference committee action last week on measures containing significant immigration- or refugee-related provisions. ◇

Last Week's Executive Activity

No items this week. ◇

Recently Introduced Legislation

See next week's issue. ◇

Bills in Development

The following is a listing of immigration- or refugee-related bills that are currently under development and that could soon

¹⁹¹⁸ [Click Here](#) to see a summary of the vote by which the Senate invoked cloture on the motion to proceed to H.R. 3590

be introduced in the Senate or House of Representatives. Items that were added or that have substantially changed since the previous edition of the Weekly Legislative Update was issued are marked with a double asterisk (**).

House

Representative Gutierrez Unveils Principles In His Comprehensive Immigration Reform Bill:

Representative Luis V. Gutierrez (D-IL), Chairman of the Congressional Hispanic Caucus (CHC) Immigration Task Force, has unveiled what he calls "the core principles" that will be included in a comprehensive immigration reform bill that he is drafting.¹⁹¹⁹ The Congressman indicated that he expects to have the bill ready for introduction sometime around Thanksgiving Day, 2009. Representative Gutierrez unveiled his plans on Tuesday, October 13, 2009, in front of thousands of pro-immigrant advocates at a rally and prayer vigil that took place on the West Lawn of the U.S. Capitol Building. The Congressman was joined at the vigil by Senator Bob Menendez (D-NJ), Congressional Hispanic Caucus Chair Nydia Velazquez (D-NY), Congressional Asian and Pacific American Caucus Chairman Mike Honda (D-CA), and others.

Representative Gutierrez's list of "core principles" for comprehensive immigration reform include:

- Pathway to Legalization for Undocumented Workers
- Professional and Effective Border Enforcement
- Smart and Human Interior Enforcement
- Protecting Workers
- Verification Systems
- Family Unity as a Cornerstone of Our Immigration System
- Future Flows of Workers
- Enactment of AgJOBS Legislation
- Enactment of the DREAM Act
- Promoting Immigrant Integration

Representative Gutierrez pledged during a September 17, 2009, National Citizenship Day celebration in Washington, DC to introduce the bill in the coming weeks. However, that timetable subsequently slipped.¹⁹²⁰

It is unclear at the time of this writing how closely the bill that Representative Gutierrez is drafting will hue to the provisions in [H.R. 1645](#), comprehensive immigration reform

¹⁹¹⁹ [Click Here](#) to see the text of the October 13, 2009, press release issued by the office of Representative Luis Gutierrez (D-IL) announcing his ten core principles for his comprehensive immigration reform bill

¹⁹²⁰ [Click Here](#) to see the September 17, 2009, press release issued by the office of Representative Luis Gutierrez (D-IL) announcing his impending introduction of comprehensive immigration reform legislation

legislation that Gutierrez introduced during the 110th Congress along with Representative Jeff Flake (R-A). That bill was known as the "Security Through Regularized Immigration and a Vibrant Economy Act of 2007" Act, or the STRIVE Act.¹⁹²¹ ☀

Senate

Chairman Schumer Working on Comprehensive Immigration Reform Bill:

Senate Judiciary Subcommittee on Immigration, Refugees, and Border Security Chairman Charles S. Schumer (D-NY), is working along with Senator Lindsay Graham (R-SC) and the Department of Homeland Security to write a comprehensive immigration reform bill that he hopes to introduce in the Senate in the coming months.

The Chairman has set a number of goals over the last several months for when he hoped to release the text of his bill. However, that goal has turned out to be a moving target. Most recently, Chairman Schumer pledged to have a broad outline of a comprehensive immigration reform bill available for inspection sometime in September. However, September has come and gone with no sign of either the text of legislation or a detailed summary of such a measure.

The goal of releasing an outline by the end of September was itself, a retrenchment of an earlier assertion that he made, in which he had pledged to have a comprehensive immigration reform bill ready for introduction by Labor Day. It was, however, in sync with remarks made by President Obama last week and this week, in which the President indicated a bill would be drafted by the end of 2009 and could be taken up by Congress in early 2010.

Principles Embodied in the Schumer Bill. In a June 24, 2009, speech that Chairman Schumer made at the Sixth Annual Immigration and Law Policy Conference sponsored by the Migration and Policy Institute, Chairman Schumer outlined seven principles that would be embodied in his bill:

- Illegal immigration is wrong, and a primary goal of comprehensive immigration reform must be to dramatically curtail future illegal immigration.
- Operational control of our borders—through significant additional increases in infrastructure, technology, and border personnel—must be achieved within a year of enactment of legislation.
- A biometric-based employer verification system—with tough enforcement and auditing—is necessary to significantly diminish the job magnet that attracts illegal

¹⁹²¹ See Pages 1089-1090 of the [October 19, 2009, edition of the Weekly Legislative Update](#) for a more detailed description of Representative Gutierrez' comprehensive immigration reform efforts

aliens to the United States and to provide certainty and simplicity for employers.

- All illegal aliens present in the United States on the date of enactment of our bill must quickly register their presence with the United States Government—and submit to a rigorous process of converting to legal status and earning a path to citizenship—or face imminent deportation.
- Family reunification is a cornerstone value of our immigration system. By dramatically reducing illegal immigration, we can create more room for both family immigration and employment-based immigration.
- We must encourage the world's best and brightest individuals to come to the United States and create the new technologies and businesses that will employ countless American workers, but must discourage businesses from using our immigration laws as a means to obtain temporary and less-expensive foreign labor to replace capable American workers; and finally
- We must create a system that converts the current flow of unskilled illegal immigrants into the United States into a more manageable and controlled flow of legal immigrants who can be absorbed by our economy.

Additional Details. Since his June 24, 2009, address to the Migration Policy Institute, Chairman Schumer and his staff have revealed a few more details about the effort they are undertaking. Among them are the following:

- His bill will be bipartisan and more than a half-dozen Republican Senators will be involved in drafting it.
- His bill will be more generous to highly skilled immigrant workers than those who are lower skilled
- His bill will be tough on future waves of illegal immigration.
- Disagreements between labor and business interests on the flow of legal foreign workers can be worked out.
- The U.S. should encourage legal immigration and find some kind of path for people now here to find a way to legal citizenship.
- The U.S. has "a shortage maybe of engineers here or Ph.D's in physics, but we probably don't have a shortage of people who can do construction work."

Chairman Kerry Working on Foreign Relations Authorization Bill: Senate Foreign Relations Committee Chairman John F. Kerry (D-MA) is working on the Senate version of the Foreign Relations Authorization Act, which he previously had hoped to introduce shortly after Congress

returns from its week-long Independence Day recess. There is no more recent word as to when he will introduce his bill.

The House of Representatives passed [H.R. 2410](#), the House version of Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, on Wednesday, June 10, 2009. As passed by the House, the measure contains among its many provisions numerous provisions making reforms to the United States refugee admissions process.¹⁹²²

It was unclear at the time of this writing to what degree the bill that Chairman Kerry is planning to introduce will replicate the refugee admissions reform provisions in the House-passed version of H.R. 2410. ◇

Chairman Leahy Working on Refugee and Asylum Protection Bill: Senate Judiciary Committee Chairman Patrick Leahy (D-VT) is working on an update of asylum protection legislation that he first introduced in 2001. No details of what will be in the bill are known at the time of this writing. However, unlike the 2001 measure, it is anticipated that the bill will include both asylum- and refugee-related provisions.

The 2001 bill that will form the basis of Chairman Leahy's efforts is [S. 1311](#), the Refugee Protection Act of 2001, which Senator Leahy introduced during the 107th Congress.

Over the Horizon ...

The following is a listing of several immigration- or refugee-related items that have either not yet been scheduled for action in Congress or on which it is anticipated that some Congressional will occur within the next several weeks.

Items added to this listing since the previous edition of the Weekly Legislative Update and items on the listing which have substantially changed since the last Weekly Legislative Update was issued are marked with a double asterisk (**).

Immigration and Refugee Legislative Agenda for the Year Winding Down to a Trickle:



As adjournment for the year looms just over the horizon, Congress' immigration and refugee legislative agenda has greatly narrowed.

By most accounts, there are only four-to-five weeks of legislative session left in the year. Most of that time will be taken up with Congress' efforts to complete action on the remaining fiscal year 2010

¹⁹²² See Pages 642-650 of the [June 15, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the refugee-related provision that are included in the House-passed version of H.R. 2410

appropriations bills and its efforts to enact health care reform legislation into law.

The following is a listing of several immigration- or refugee-related items that have either not yet been scheduled for action or on which it is possible that some action will occur during the remaining weeks of the first session of the 111th Congress.

Items added to this listing since the previous edition of the Weekly Legislative Update and items on the listing which have substantially changed since the last Weekly Legislative Update was issued are marked with a double asterisk (**).

House

****One Senate-Passed Measure Awaits Consideration by the full House:** One Senate-passed immigration-related measure is awaiting consideration by the full House of Representatives:

- **Human Rights Enforcement Act.** The Senate has passed [S. 1472](#), the Human Rights Enforcement Act of 2009. As passed by the Senate, S. 1472 would direct the Attorney General of the United States to establish a section to enforce human rights laws within the Criminal Division of the Department of Justice (DOJ) which is authorized to identify individuals suspected of serious human rights offenses and to prosecute, denaturalize, or extradite such individuals; and, as appropriate, consult with the Secretary of Homeland Security and the Secretary of State in making determinations regarding the prosecution, removal, denaturalization, extradition, or exclusion of naturalized citizens or aliens who are suspected of committing serious human rights offenses.

The measure would define "serious human rights offenses" to include genocide, torture, war crimes, Nazi persecution, or the use or recruitment of child soldiers. The measure, further, would amend the federal criminal code and the Immigration and Nationality Act to revise legal requirements relating to the crime of genocide.

****Five Committee-Approved Immigration-Related Measures Await Consideration by the Full House:** The following measures containing significant immigration- or refugee-related provisions have been approved by various House committees and are awaiting consideration by the full House of Representatives:

- **House Committee on Financial Services.** The House Committee on Financial Services has approved [H.R. 3045](#), the "Section 8 Voucher Reform Act of 2009."¹⁹²³

¹⁹²³ [H. Rept. 111-277](#), September 30, 2009

The Committee approved the bill after first approving an amendment aimed at ensuring that illegal immigrants not make use of such housing.

The Committee reported the measure to the full House of Representatives on Wednesday, September 30, 2009.¹⁹²⁴

- **House Committee on the Judiciary.** The House Committee on the Judiciary has approved three bills that contain significant immigration-related provisions and are awaiting consideration by the full House of Representatives:

1. [H.R. 42](#), the "Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

The House Judiciary Subcommittee on Immigration, Citizenship, Refugee, Border Security, and International Law approved H.R. 42 during a markup that occurred on July 23, 2009, and July 24, 2009.¹⁹²⁵ The full House Committee on the Judiciary approved the measure on Wednesday, October 14, 2009.¹⁹²⁶ At the time of this writing, the Committee had not yet formally reported the measure to the full House of Representatives.

2. [H.R. 1425](#), the "Wartime Treatment Study Act".

The House Judiciary Subcommittee on Immigration, Citizenship, Refugee, Border Security, and International Law approved H.R. 1425 in a July 31, 2009, markup.¹⁹²⁷ The full House Committee on the

¹⁹²⁴ See Page 847 of the [July 27, 2009, edition of the Weekly Legislative Update](#) for an analysis of the immigration-related provisions in House Financial Services Committee-approved version of H.R. 3045

¹⁹²⁵ See Pages 849-850 of the [July 27, 2009, edition of the Weekly Legislative Update](#) for an analysis of the immigration-related provisions in H.R. 42, which was approved by the House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law during two days of markup beginning on July 23, 2009

¹⁹²⁶ See Pages 1108-1109 of the [October 26, 2009, edition of the Weekly Legislative Update](#) for an analysis of the immigration-related provisions in H.R. 42 and H.R. 1425, which was approved by the House Committee on the Judiciary during an October 21, 2009, markup of the two measures.

¹⁹²⁷ See Pages 883-884 of the [August 3, 2009, edition of the Weekly Legislative Update](#) for an analysis of the immigration-related provisions in H.R. 1425, which was approved by the House Judiciary Subcommittee on Immigration, Citizenship, Refugees,

Judiciary approved it on Wednesday, October 14, 2009.¹⁹²⁸ At the time of this writing, the Committee had not yet formally reported the measure to the full House of Representatives.

3. [H.R. 3290](#), the "September 11 Family Humanitarian Relief and Patriotism Act of 2009".

The House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law approved H.R. 3290 during a markup that occurred on July 22, 2009.¹⁹²⁹ The full Committee on the Judiciary approved it on September 16, 2009.¹⁹³⁰ At the time of this writing, the Committee had not yet formally reported the measure to the full House of Representatives.

- **House Committee on Homeland Security.** The House Committee on Homeland Security has completed action on [H.R. 3239](#), a bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security of the United States.

The Committee approved the measure on Tuesday, November 17, 2009, by a voice vote, ordering that it be reported to the full House of Representatives. ☀

****One Immigration- or Border Security-Related Measure Awaits Consideration in House Committees:** The following measure containing significant immigration-, refugee-, or border security-related provisions have been approved by subcommittees and are awaiting consideration in their full committees:

Border Security, and International Law during its July 31, 2009, markup

¹⁹²⁸ See Pages 1108-1109 of the [October 26, 2009, edition of the Weekly Legislative Update](#) for an analysis of the immigration-related provisions in H.R. 42 and H.R. 1425, which was approved by the House Committee on the Judiciary during an October 21, 2009, markup of the two measures.

¹⁹²⁹ See Pages 849-850 of the [July 27, 2009, edition of the Weekly Legislative Update](#) for an analysis of the immigration-related provisions in H.R. 3290, which was approved by the House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law during a markup that occurred on July 22, 2009

¹⁹³⁰ See Pages 977-978 of the [September 21, 2009, edition of the Weekly Legislative Update](#) for an analysis of the immigration-related provisions in H.R. 3290, which was approved by the House Committee on the Judiciary during a September 16, 2009, markup of the measure

- **House Committee on Homeland Security.** The House Homeland Security Subcommittee on Border, Maritime and Global Counterterrorism has approved [H.R. 1726](#), the "Border Security Search Accountability Act of 2009", which would require the Secretary of Homeland Security to issue a rule with respect to border security searches of electronic devices.

The Subcommittee approved H.R. 1726 during a markup that occurred on Wednesday, July 22, 2009. No full committee markup of the bill had been scheduled at the time of this writing.¹⁹³¹

Senate

Six House-Passed Immigration-Related Measures are Awaiting Consideration by the Full Senate:

The following measures containing significant immigration- or refugee-related provisions have been passed by the House and are awaiting consideration in the Senate:

- **Fiscal Year 2010 Immigration- and Refugee-Related Appropriations Bills.** The House of Representatives has passed three fiscal year 2010 appropriations bills that still await floor consideration in the Senate:

1. **Fiscal Year 2010 Appropriations for Refugee Resettlement and Unaccompanied Alien Children.** The House of Representatives has passed H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill (Labor, HHS Appropriations Bill), which funds the federal government's refugee resettlement, trafficking victims assistance, torture victim assistance, and unaccompanied alien child programs.

The [House-passed version of H.R. 3293](#)¹⁹³² would appropriate \$432,000 less in ORR funding in fiscal year 2010 compared to the total fiscal year 2009 ORR appropriation.¹⁹³³ The House-passed measure would increase funding for ORR's resettlement activities by of \$50.1 MILLION, or 10 percent,

¹⁹³¹ See Page 848 of the [July 27, 2009, edition of the Weekly Legislative Update](#) for an analysis of the immigration-related provisions in H.R. 1726, a measure that was approved by the House Homeland Security Subcommittee on Border, Maritime and Global Counterterrorism during its July 22, 2009, markup session

¹⁹³² [H. Rept. 111-220](#), July 22, 2009

¹⁹³³ The total fiscal year 2009 appropriation for ORR was \$715.4 MILLION. This includes \$633.4 MILLION that was appropriated in the regular fiscal year 2009 appropriations process and an additional \$82 MILLION that was appropriated in the fiscal year 2009 war supplemental appropriations bill

when compared to the amount appropriated for ORR's resettlement activities in fiscal year.¹⁹³⁴

The Senate Committee on Appropriations reported the [Senate Appropriations Committee-approved version of H.R. 3293](#)¹⁹³⁵ on August 4, 2009. It would appropriate more funding for refugee resettlement than would the House-passed bill. However, it would not fully fund the Administration's request for ORR.

The Senate could take up the Senate Appropriations Committee-approved version of H.R. 3293 at any time. However, at the time of this writing, it appears likely that the measure's provisions will be folded into a year-end catch-all spending bill.

2. **Fiscal Year 2010 Appropriations for Refugee Admissions and Overseas Refugee Assistance.** The House of Representatives has passed [H.R. 3081](#), its version the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill, which contains among its provisions those that fund the federal government's refugee admissions and overseas refugee assistance programs.

Included in the House-passed measure are substantial increases in funding for Migration and Refugee Assistance (MRA) and International Disaster Assistance (IDA), relative to appropriations for those accounts during the regular fiscal year 2009 appropriations cycle. However, when supplemental fiscal year 2009 appropriations spending is taken into account, the House-passed measure would actually appropriate less in fiscal year 2010 for the MRA account than the total amount that was appropriated for that account in fiscal year 2009.¹⁹³⁶

The Senate Committee on Appropriations has approved [S. 1434](#), the Senate version of the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill.¹⁹³⁷ It would provide substantially more for the MRA account than is contained in the House-passed version of the bill.

¹⁹³⁴ See Pages 850-858 of the [July 27, 2009, edition of the Weekly Legislative Update](#) for an analysis of the immigration- and refugee-related provisions in the House-passed version of H.R. 3293

¹⁹³⁵ [S. Rept. 111-66](#), August 4, 2009

¹⁹³⁶ [H. Rept. 111-187](#), June 26, 2009

¹⁹³⁷ [S. Rept. 111-44](#), July 9, 2009

The Senate could take up the Senate Appropriations Committee-approved version of H.R. 3081 at any time.¹⁹³⁸ However, at the time of this writing, it appears likely that the measure's provisions will be folded into a year-end catch-all spending bill.

- **Torture Victims Assistance.** The House of Representatives has passed [H.R. 1511](#), the "Torture Victims Relief Reauthorization Act of 2009", which would fund programs to assist the victims of torture who are resettled in the United States.¹⁹³⁹

Following House passage of the measure, it was referred to the Senate Committee on Foreign Relations.

- **Reforms to the Refugee Admissions Process.** The House of Representatives has passed [H.R. 2410](#), the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, which contains among its many provisions numerous ones that would make reforms to the United States refugee admissions process.¹⁹⁴⁰

Following House passage of the measure, it was referred to the Senate Committee on Foreign Relations. Senate Foreign Relations Committee Chairman John F. Kerry (D-MA) is working on a version of the bill of his own that he could introduce as soon as late July.¹⁹⁴¹

- **Increased Penalties for Alien Smuggling.** The House of Representatives has passed two measures that would increase penalties for alien smuggling:

1. [H.R. 1029](#), the "Alien Smuggling and Terrorism Prevention Act of 2009". It would increase penalties for alien smuggling and make other changes in law that the bill's proponents contend will help combat the crime of alien smuggling.

¹⁹³⁸ See Pages 772-743 of the [July 13, 2009, edition of the Weekly Legislative Update](#) for an analysis of the House-passed version of the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill

¹⁹³⁹ See Page 858 of the [July 27, 2009, edition of the Weekly Legislative Update](#) for an analysis of the House-passed version of H.R. 1511

¹⁹⁴⁰ See Pages 642-650 of the [June 15, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the refugee-related provisions in the House-passed version of H.R. 2410, the Foreign Relations Authorization Act, 2010 and 2011

¹⁹⁴¹ See Pages 642-650 of the [June 15, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the refugee-related provision that are included in the House-passed version of H.R. 2410

While there was no organized opposition to H.R. 1029 during House consideration of the measure, several pro-immigrant and pro-refugee advocacy organizations expressed concerns about the potential impact that the measure would have on good Samaritans and refugees. Those concerns were expressed behind the scenes in the House but are expected to be voiced more vociferously should the Senate take up the measure.

The measure has been referred to the Senate Committee on the Judiciary.

It was widely believed at the time that the House acted that the Senate Committee on Commerce, Science, and Transportation would address the issues that are included in H.R. 1029 when it took up [S. 1194](#), the Coast Guard Authorization Act for Fiscal Years 2010 and 2011. The Committee marked up the measure on Wednesday, July 8, 2009, however, without including any immigration-related provisions.¹⁹⁴² That measure now awaits Senate floor consideration, where the issues embodied in H.R. 1029 could come up.

2. [H.R. 3619](#), the Coast Guard Authorization Act of 2010." Title XII of the measure is identical to the text of H.R. 1029, which the House of Representatives passed on March 31, 2009. The House of Representatives passed H.R. 3619 on Friday, October 24, 2009. ☼

Five Committee-Approved Immigration-Related Measures are Awaiting Consideration by the Full Senate:

The following measures containing significant immigration- or refugee-related provisions have been approved by various committees and are awaiting consideration by the full Senate:

- **Senate Committee on Appropriations.** The Senate Committee on Appropriations has approved three appropriations bills that contain significant immigration- or refugee-related provisions and that await consideration by the full Senate:

1. **Fiscal Year 2010 Appropriations for Refugee Resettlement and Unaccompanied Alien Children.** The Senate Committee on Appropriations has approved its version of H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill (Labor, HHS Appropriations Bill), which funds the federal government's refugee resettlement, trafficking victims assistance, torture

victim assistance, and unaccompanied alien child programs.

The Senate Appropriations Committee-approved version of the measure would restore much of the cut in funding for the Department of Health and Human Services Office of Refugee Resettlement (ORR) contained in a measure passed last month by the full House of Representatives. However, the Senate Appropriations Committee-approved measure would still cut funding relative to the Administration's request.¹⁹⁴³

The Senate could take up the measure at any time after it returns from its August recess.

2. **Fiscal Year 2010 Appropriations for Refugee Admissions and Overseas Refugee Assistance.** The Senate Committee on Appropriations has approved [S. 1434](#), the Senate version of the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill,¹⁹⁴⁴ which contains among its many provisions those that fund the federal government's refugee admissions and overseas refugee assistance programs.

The Senate Appropriations Committee-approved version of the measure would appropriate substantially more for the Migration and Refugee Assistance account than is contained in the House-passed version of the bill.¹⁹⁴⁵

The Senate could take up the measure at any time.

- **Senate Committee on the Judiciary.**
 1. **Eased Visa Requirements for Victims of Domestic Violence.** The Senate Committee on the Judiciary has approved [S. 327](#), the "Improving Assistance to Domestic and Sexual Violence Victims Act of 2009", which contains four provisions that would amend the Immigration and Nationality Act, the Trafficking Victims Protection Act of 2000, and the William Wilberforce Trafficking Victims Protection Reauthorization Act

¹⁹⁴³ See Pages 876-881 of the [August 3, 2009, edition of the Weekly Legislative Update](#) for a detailed analysis of the immigration- and refugee-related provisions in the Senate Appropriations Committee-approved version of H.R. 3293

¹⁹⁴⁴ [S. Rept. 111-44](#), July 9, 2009

¹⁹⁴⁵ See Pages 764-767 of the [July 13, 2009, edition of the Weekly Legislative Update](#) for an analysis of the immigration- and refugee-related provisions in the Senate Appropriations Committee-approved version of the Fiscal Year 2010 State, Foreign Operations, and Related Programs Appropriations Bill

¹⁹⁴² See Page 383 of the [April 20, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the full House of Representatives' consideration of H.R. 1029

of 2008 to expand protections for aliens who are victims of domestic violence and sex trafficking.

S. 327 was hotlined during the Summer. Reports indicate that it was cleared by the Senate Democratic cloakroom, however, there were objection voiced in the Senate Republican cloakroom. Those objections precluded the Senate from moving the measure by unanimous consent.

On Thursday, October 1, 2009, the Senate Committee on the Judiciary filed a written report on the measure, complete with minority views.¹⁹⁴⁶ It is unusual for the Senate Committee on the Judiciary to file written reports on bills that it reports to the Senate.

It is anticipated that once the bill has been cleared by both the Democratic and Republican cloakrooms, the Senate will take it up by unanimous consent.¹⁹⁴⁷

2. **Human Rights Enforcement Act of 2009.** The Senate Committee on the Judiciary has approved [S. 1472](#), the Human Rights Enforcement Act of 2009, which would make it easier to denaturalize and/or deport persons in the United States who have committed human rights violations.

The Judiciary Committee acted on Thursday, November 5, 2009, approving the measure by a unanimous voice vote, reporting it to the full Senate without a written report.

The Senate could take up the measure at any time.

- **Senate Committee on Homeland Security.**

1. **Revision of the REAL ID Act's Driver's License Provisions.** The Senate Committee on Homeland Security and Governmental Affairs has approved [S. 1261](#), the "Providing for Additional Security in States' Identification Act of 2009", or PASS ID Act, which would retain many of the alienage-related mandates that are found in the REAL ID Act.

Under S. 1261, states would still be required to deny driver's licenses and state-issued identification cards to aliens who are in the U.S. illegally, they would still be required to obtain identification to verify an applicant's immigration status, and they still would be required to limit the period during which a

driver's license or state-issued identification card is valid so that the period of its validity matches the period that an alien is authorized to be in the U.S.

S. 1261 would make a number of changes to the alienage-based restrictions on states' issuance of driver's licenses and identification cards. Some would ease those restrictions. Others would make them more rigorous.¹⁹⁴⁸ ☀ ◇

Next Week's Edition ...

Look for the following articles in the next edition of the Weekly Legislative Update:

- **Health Care Reform Legislation.** Next week's Weekly Legislative Update will report on any developments in the Senate on health care reform legislation.
- **Funding for EOIR and Alternatives to Detention.** Next week's Weekly Legislative Update will report on any conference committee actions that take place this week on the Fiscal Year 2010 Commerce, Justice, Science, and Related Agencies Appropriations Act. ◇

¹⁹⁴⁶ [S. Rept. 111-85](#), October 1, 2009

¹⁹⁴⁷ See Pages 475-477 of the [May 11, 2009, edition of the Weekly Legislative Update](#) for a detailed report on the Senate Judiciary Committee's markup of S. 327

¹⁹⁴⁸ See Pages 881-882 of the [August 3, 2009, edition of the Weekly Legislative Update](#) for a more detailed analysis of the immigration-related provisions in the Senate Homeland Security and Governmental Affairs Committee-approved version of S. 1261

Appendix

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