



March 21, 2002

## **Senate Likely to Take Up House-Passed Border Security Bill After Easter Recess**

In light of the Majority Leader's comments today, it now appears that H.R. 1885, the House-passed border security and visa entry reform bill, may receive Senate floor consideration following the Easter Recess. The bill, as it comes from the House, combines the original H.R. 1885, the Section 245(i) Extension Act of 2001, with H.R. 3525 (similar to S.1749), the Enhanced Border Security and Visa Entry Reform Act of 2001.

President Bush strongly supports the bill. He rejects charges that it is a blanket amnesty and supports the goal of family reunification:

"I also cautioned President Fox [of Mexico] at the time that there will be no blanket amnesty in America. I don't think the will of the American people is for blanket amnesty. I think he understands that."

– President George W. Bush, Press Conference, March 13, 2002

"One thing I want to urge the Senate to do is to pass 245(i) . . . . We believe in family values. We believe good policy keeps families together. The House agreed with us, and the Senate ought to act. The Senate ought to get this done, and particularly soon."

– President George W. Bush, Cabinet Meeting, March 19, 2002

The President leaves today to spend two days in Monterrey, Mexico, where he will visit Mexico's President Vicente Fox during this weekend's U.N. poverty summit.

Senator Byrd spoke against the bill during a floor statement on Monday. Senator Byrd attacked the bill and promised to fight any attempts to pass it without thorough debate:

"Supporters of the House-passed extension of the so-called Section 245(i) provision were quick to claim that it is not an amnesty. The issue, they argue, is where you fill out your paper work – here or abroad. That is nonsense – N-O-N-S-E-N-S-E, nonsense. Section 245(i) – amnesty is amnesty – pure and simple . . . . It is lunacy –

sheer lunacy – that the President would request, and the House would pass, such an amnesty at this time. That point seems obvious to the American people, if not to the administration.”

– Senator Robert C. Byrd, Floor Statement, March 18, 2002

During a press conference today, Senate Majority Leader Daschle indicated that the Senate will take up H.R. 1885 after the Easter recess.

In anticipation of possible action on the bill in April, a summary of the bill’s complex history and current status may be helpful. Almost a year since its introduction, the bill has passed through both chambers and multiple committees in the form of four different bill numbers and eleven different versions.

Here is the abbreviated history:

- **Border Security and Visa Entry Reform.** On November 30, 2001, Senators Kennedy, Brownback, Feinstein, Kyl, and others introduced S. 1749, the Enhanced Border Security and Visa Entry Reform Act of 2001. The bill, which currently has 55 cosponsors, was referred to the Judiciary Committee, where it remains. Separately, the House and Senate pre-conferenced the bill and drafted a managers’ amendment that included the compromise section 245(i) extension. On December 19, 2001, the House removed customs provisions [for jurisdictional reasons] and the section 245(i) extension from the managers’ amendment and passed it as H.R. 3525, the Enhanced Border Security and Visa Entry Reform Act of 2001. The Senate received the bill and sent it to the Judiciary Committee, where it is currently pending.
- **Section 245(i) Extension.** On April 26, 2001, Senator Hagel introduced S. 778, the Section 245(i) Extension Act of 2001. On July 26, 2001, the Judiciary Committee amended and reported the bill to the Senate (Calendar No. 104). Separately, on May 21, 2001, the House passed H.R. 1885, similar to S. 778 in title and purpose but substantively different. On September 6, 2001, the Senate by unanimous consent struck H.R. 1885’s language and inserted a modified version of S. 778 as reported from committee. On March 12, 2002, the House struck the Senate language and inserted a modified version of the House-passed H.R. 3525 combined with a modified version of the Senate-amended H.R. 1885 language; the House passed the combined bill.

Below is a brief outline of the combined bill’s key provisions:

### **H.R. 1885's Key Provisions Regarding Border Security and Visa Entry Reform**

- Increases Immigration and Naturalization Service (INS) border security personnel by 400 employees; authorizes \$150 million for INS to improve efficiency at ports of entry.
- Integrates all INS database systems. Connects INS and State Department database systems with law enforcement and intelligence communities.
- Requires visas to be machine-readable and tamper-resistant with biometric identifiers; also imposes these same requirements on passports issued by visa waiver countries.
- Restricts the number of visas granted to applicants from countries sponsoring terrorism.
- Requires commercial aircraft and vessels entering and exiting the U.S. to electronically submit information on all persons onboard; prohibits carriers from entering the U.S. until they provide the information.
- Monitors foreign student activity; collects additional background data from student visa applicants; demands cooperation from institutions and allows the INS and State Department to limit an institution's participation in foreign student programs if they do not comply with regulations.

### **H.R. 1885's Key Provisions Regarding Section 245(i) Extension**

- Extends the filing deadline for section 245(i) of the Immigration and Nationality Act (INA) through the earlier of November 30, 2002, or four months after the Attorney General promulgates regulations.
- Benefits persons originally qualifying for section 245(i), i.e., aliens who are not lawfully present in the U.S. or have somehow violated the terms of their visa. INS reports that 600,000 aliens filed under the original extension; however, INS failed to publish regulations for the extension until one month before the deadline on April 30, 2001. Estimates are that 200,000 people missed the filing deadline because INS did not act quickly enough.
- Allows aliens to apply for their green card within the U.S. for a fee of \$1,000 but imposes on them the same requirements imposed on applicants in their home country. However, if the alien is forced to leave the U.S. to apply, he is barred from reentering the U.S. for 3 or 10 years.
- Requires a close family member or employer to sponsor the applicant. The familial or employer relationship must have existed before August 15, 2001, and the applicant must have been present in the U.S. as of December 21, 2000. Due to family preference rules and employer disclosure risks, the bill essentially assists spouses, parents, and young children of current U.S. citizens.

