



IMMIGRATION LEGISLATIVE UPDATE

Senate Passed the Comprehensive Immigration Reform Act of 2006: Now What?

On May 25th the Senate passed S. 2611, a comprehensive piece of legislation that contains many positive and very important provisions, such as a path to permanent legal status for most of the current undocumented population; a new temporary worker program with labor protections and a path to permanent status; family- and employment-based visa backlog relief; important reforms to the agricultural worker program; and significant reforms to the high-skilled immigration programs.

Though this was certainly a step in the right direction, there is still a long and arduous road ahead before comprehensive immigration reform law is promulgated. S. 2611, as amended, is now headed for what will likely be a very contentious conference with the House of Representatives. The House bill, the notorious H.R 4437, is an enforcement only piece of legislation that does not include provisions for a guest worker program nor does it propose a solution to dealing with the estimated 12 million undocumented immigrants residing and working in the U.S.

In an effort to reach a solution that is acceptable to both the House and Senate, the conference committee will negotiate the differences between the two bills which the hopes of reaching a compromise. If an agreement is met during conference, a majority of the House and a majority of the Senate conferees must agree to the legislation before it will be reported back to the floor of each chamber for a final vote. If there is a final vote in the chambers supporting the bill, it will be sent to President Bush to sign into law.

Senate Conferees

Though we do not yet know who will be named conferees, we do know the composition. As noted by Senator Frist, the appointing of the Senate conferees will be as follows:

The ratio of the conferees be 14 [Republicans] -12 [Democrats], provided further that from that ratio the first six Republican Senators be from the Judiciary Committee and the first five Democrats be from the Judiciary Committee be conferees. Finally I would ask that the Majority Leader select the final seven from the majority side and the Democratic select the final seven from the minority side.

We have heard from Senate staffers that all of the Democrats on the Judiciary Committee will be named conferees. This would include the following Senators: Senators Leahy, Kennedy, Biden, Kohl, Feinstein, Feingold, Schumer and Durbin. Even if all of these individuals are named conferees, the Democrats will still have to name four more conferees.

As for the Republicans, we have heard that the following will be named conferees: Chairman Specter and Senators Hatch, Grassley, Kyl, DeWine, Sessions, Graham and Cornyn. There has also been speculation that Senators McCain and Brownback will be appointed. Even if all of these individuals are named conferees, the Republicans will still have to name four more conferees.

House Conferees

Conferees will be appointed by Speaker of the House Dennis Hastert (R-IL). By way of background, House conferees will not be a point of negotiation, but rather the House leadership will be charged with appointing the conferees. We have heard on Capitol Hill that the House plans to name two House conferees for every one Senate conferee and that House conferees will represent a majority of the majority. Therefore it is possible that there could be 52 House conferees. Furthermore we have heard that no House member that voted against H.R. 4437 will be a named conferee. Needless to say this is disturbing and we hope that this is not a founded rumor.

Other Congressional News

House

- In preparation for conference, GT has begun meetings with several House to discuss the importance of a comprehensive approach and rebut House claims that S.2611 is amnesty. Meetings have occurred with Representatives Sensenbrenner, Blunt, Boehner and Cantor. We will continue to meet with members to discuss the importance of comprehensive reform to the business community.
- Some House members have been introducing their own legislation to address the current issues plaguing our immigration system. One such proposal by Representative Pence (R-IN) would match up guest workers with U.S. employers by licensing private firms to set up "Ellis Island Centers" in the countries that disproportionately supply labor to the U.S. Employers would be required to contract with the firms to find guest workers. Potential guest workers would then undergo a background check and health screening before receiving a visa.

Senate

- Parliamentary procedure issues have again resurfaced. One of the provisions in the Senate bill, S. 2611 calls for those undocumented immigrants that qualify to adjust status to pay back taxes. This back tax requirement is now being characterized as a "revenue raising" provision and constitutionally, any revenue raising legislation is to originate in the House of Representatives. Though opponents note that the payment of back taxes is not new revenue, debate around this issues has escalated. Please see article below that discusses the issue in depth. We hope that this procedural obstacle will be resolved and that we continue to debate the substance of the issues during conference.

The Washington Times

Illegals' tax deal deemed unconstitutional, by Charles Hurt

June 2, 2006

The long-fought Senate immigration bill that opponents say grants amnesty to 10 million illegal aliens is unconstitutional and appears headed for certain demise, Senate Republicans now say. A key feature of the Senate bill is that it would make illegals pay back taxes before applying for citizenship, a requirement that supporters say will raise billions of dollars in the next decade. There's just one problem: The U.S. Constitution specifically prohibits revenue-raising legislation from originating in the Senate. "All bills for raising revenue shall originate in the House of Representatives," according to the "origination clause" in Article I, Section 7.

Republicans -- including the bill's supporters -- say this will kill the bill, and Senate Majority Leader Bill Frist says he's offered a simple solution. He wants to attach the immigration bill to a tax bill that has already passed the House. It would then proceed as planned to a "conference committee," where negotiators from the House and Senate hammer out differences between the two chambers' immigration bills. "This is a procedural issue that we could overcome," said Carolyn Weyforth, spokeswoman for Mr. Frist. But Minority Leader Harry Reid won't go along with that fix. His office said yesterday that the concerns raised by Mr. Frist and House Republicans are "technical in nature" and can be ignored.

"If Republicans are serious about enacting comprehensive immigration reform, I've got a deal for them," spokesman Jim Manley said. "All they have to do is nothing. Just let the House and Senate bills go to conference and let the conferees work their will." The bill as written, however, will never make it to conference, Republicans say. Under House rules, any member can introduce a "blue-slip resolution" to return the legislation to the Senate. And although there are plenty of House conservatives eager to kill the Senate bill any way they can, Hill staffers say it would likely be done based on "policy-blind constitutional issues."

"If there is a blue-slip issue, it is not about policy," said one House aide familiar with the matter. "It's about procedure and the House's prerogative to uphold the United States Constitution." There is some debate about whether the constitutional ban on Senate revenue bills pertains only to bills whose primary purpose is to raise money or whether it also applies to bills that do so incidentally.

Republicans say that because the concerns already have been raised, they expect the bill to be returned to the Senate. They point to a 2002 report written by the nonpartisan Congressional Research Service that reveals how broadly the House interprets the origination clause.

"In 1992, the House returned to the Senate a bill (S.884, 102nd Congress) to require the President to impose economic sanctions, including a ban on certain imports, against countries which fail to eliminate large-scale driftnet fishing," according to the report. "In 1999, the House returned to the Senate a bill (S.254, 105th Congress) effectively banning the import of certain assault weapon attachments."

The policy of the House, according to the report, has been to interpret "any meaningful revenue proposal" as subject to the origination clause. To skirt the ban, Republicans say, the

Senate easily could agree to attach the immigration bill to the House-approved tax legislation. They see Mr. Reid's refusal to fix the problem as an attempt to scuttle the bill, and thus deny the Republican Congress a "victory" for passing immigration reform before this fall's elections.

"We can solve this constitutional issue if Harry Reid would drop his obstructionism and allow the comprehensive immigration legislation to move past the Senate," Ms. Weyforth said.

Next Steps

Please reach out and call the Congressional switchboard at 202.224.3121 or email Senators at http://www.senate.gov/general/contact_information/senators_cfm.cfmreach and THANK those Senators who supported S. 2611 and urge them to continue to protect the bill through the conference with the House.

Senators who Supported S. 2611 (YEAs - 62)

Akaka (D-HI)	Feingold (D-WI)	McCain (R-AZ)
Baucus (D-MT)	Feinstein (D-CA)	McConnell (R-KY)
Bayh (D-IN)	Frist (R-TN)	Menendez (D-NJ)
Bennett (R-UT)	Graham (R-SC)	Mikulski (D-MD)
Biden (D-DE)	Gregg (R-NH)	Murkowski (R-AK)
Bingaman (D-NM)	Hagel (R-NE)	Murray (D-WA)
Boxer (D-CA)	Harkin (D-IA)	Nelson (D-FL)
Brownback (R-KS)	Inouye (D-HI)	Obama (D-IL)
Cantwell (D-WA)	Jeffords (I-VT)	Pryor (D-AR)
Carper (D-DE)	Johnson (D-SD)	Reed (D-RI)
Chafee (R-RI)	Kennedy (D-MA)	Reid (D-NV)
Clinton (D-NY)	Kerry (D-MA)	Sarbanes (D-MD)
Coleman (R-MN)	Kohl (D-WI)	Schumer (D-NY)
Collins (R-ME)	Landrieu (D-LA)	Smith (R-OR)
Conrad (D-ND)	Lautenberg (D-NJ)	Snowe (R-ME)
Craig (R-ID)	Leahy (D-VT)	Specter (R-PA)
Dayton (D-MN)	Levin (D-MI)	Stevens (R-AK)
DeWine (R-OH)	Lieberman (D-CT)	Voinovich (R-OH)
Dodd (D-CT)	Lincoln (D-AR)	Warner (R-VA)
Domenici (R-NM)	Lugar (R-IN)	Wyden (D-OR)
Durbin (D-IL)	Martinez (R-FL)	