



# United States Conference of Catholic Bishops Government Relations

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## Weekly Update on Immigration and Refugee Legislative Matters 111<sup>th</sup> Congress, First Session

Monday, January 26, 2009

(Revised on January 30, 2009)

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*Both the House and Senate will be embroiled this week in debates over controversial immigration-related provisions; E-Verify in the House and expanded legal immigrant eligibility for SCHIP in the Senate.*  
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### This Week's Hearings

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At the time of this writing, no hearings were anticipated this week at which immigration-, refugee-, border security-, or visa security-related matters were likely to be discussed.

### This Week's Markups

At the time of this writing, at least seven actions impacting immigration or refugee matters could take place this week in House or Senate committees.

This includes the following potential actions:

- **Legislation:** At the time of this writing, only two measures containing significant immigration- or refugee-related provisions were scheduled to be marked up in House or Senate Committees:

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### ***This Week's Markups (continued)***

1. Economic Recovery and Stimulus Bill. The Senate Committee on Appropriations has scheduled a markup for this week of the economic stimulus bill.
  2. Rule Providing for Consideration of Economic Stimulus Bill. The House Committee on Rules has scheduled a markup for this week of a resolution providing for the consideration of economic stimulus legislation.
- Cabinet Nominations: At the time of this writing, the following Senate committees could vote this week on any or all of the following of President Barack Obama's nominees to head departments that have significant immigration- or refugee-related functions:
    3. Attorney General of the United States. The Senate Committee on the Judiciary has scheduled a vote for this week on the nomination of Eric H. Holder, Jr., to be Attorney General of the United States.
    4. Secretary of Health and Human Services. The Senate Committee on Health, Education, Labor, and Pensions and the Senate Committee on Finance could vote on the nomination of former Senate Majority Leader Tom Daschle (D-SD) to be Secretary of Health and Human Services.
  - Committee Organizing Meetings. At the time of this writing, the following committee organizing meetings were possible this week:
    5. House Foreign Affairs Committee. The House Committee on the Foreign Affairs has scheduled its 111<sup>th</sup> Congress organizing meeting for this week.
    6. House Homeland Security Committee. The House Committee on Homeland Security could hold its 111<sup>th</sup> Congress organizing meeting this week.
    7. Senate Homeland Security Committee. The Senate Committee on Homeland Security and Governmental Affairs has scheduled its 111<sup>th</sup> Congress organizing meeting for this week.

### House

**House Rules Committee to Markup Rule Providing for Consideration of Economic Stimulus Package:** The House Committee on Rules has scheduled a markup for this week, at which it is expected to markup the rule providing for consideration of H.R. 1, the "Economic Recovery and Reinvestment Act of 2009". This week's markup is scheduled for 3:30 pm on Tuesday, January 27, 2009, in Room H-313 of the Capitol Building.

See pages 99 - 101 of this week's Weekly Legislative Update for an analysis of the immigration-related provisions in the version of H.R. 1 that is expected to be introduced this week in the House.

**House Foreign Affairs Committee to Hold 111<sup>th</sup> Congress Organizing Meeting:** The House Committee on the Foreign Affairs this week is expected to hold its organizing meeting for the 111<sup>th</sup> Congress. This week's meeting is scheduled for 2:00 pm on Tuesday, January 27, 2009, in Room 2172 of the Rayburn House Office Building.

**House Homeland Security Committee to Hold 111<sup>th</sup> Congress Organizing Meeting:** The House Committee on the Homeland Security is expected this week to hold its organizing meeting for the 111<sup>th</sup> Congress. At the time of this writing, the meeting had not yet been officially scheduled. However, the Committee hopes to hold the meeting on either Tuesday, February 27, 2009, or Wednesday, January 28, 2009. The meeting is scheduled to take place in Room 2172 of the Rayburn House Office Building.

### Senate

**Senate Appropriations to Markup Economic Stimulus Bill:** The Senate Committee on Appropriations has scheduled a markup for this week, at which it is expected to markup its portion of the yet-to-be-introduced S. 1, the Economic Recovery and Stimulus Plan. This week's markup is scheduled for a yet-to-be-determined time on Tuesday, January 27, 2009, in Room S-128 of the Capitol Building.

While a House economic stimulus bill that contains numerous immigration-related provisions has emerged, no corresponding Senate draft had been publicly released at the time of this writing. Instead, the Senate Committee on Appropriations and Senate Committee on Finance have released summaries of the measures they intend to markup. The summaries do not provide enough information to assess whether there will be any immigration-related issues in the measures.

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## *This Week's Markups (continued)*

**Senate Judiciary Committee to Take Up Attorney General Nomination:** The Senate Committee on the Judiciary has scheduled a markup for this week, at which it is expected to take up the nomination of Eric H. Holder, Jr., to be Attorney General of the United States. This week's markup is scheduled for 10:00 am on Wednesday, January 28, 2009, in Room SH-216 of the Hart Senate Office Building.

**Outlook.** While the Holder nomination has generated some controversy on the Republican side of the aisle, his approval by the Committee is a near certainty.

**Senate Homeland Security Committee to Hold 111<sup>th</sup> Congress Organizing Meeting:** The Senate Committee on Homeland Security and Governmental Affairs is expected to hold its organizing meeting for the 111<sup>th</sup> Congress. This week's meeting is scheduled for 9:30 am on Thursday, January 29, 2009, in Room SD-342 of the Dirksen Senate Office Building.

## *This Week's Floor Activity*

At the time of this writing, at least four actions impacting immigration or refugees could take place this week on the House or Senate floor.

This includes the following potential floor actions on three legislative measures containing significant immigration- or refugee-related provisions and on one nomination to head a cabinet agency that has jurisdiction over significant immigration- or refugee-related:

- **Legislation:** The following floor actions on legislation containing significant immigration- or refugee-related provisions could take place this week:
  1. **Immigrant Children Eligibility for SCHIP.** The full Senate could take up legislation to reauthorize the State Children's Health Insurance Program (SCHIP).
  2. **Economic Stimulus Package.** The full House is expected to take up its version of the economic stimulus package, which includes a number of immigration-related provisions, including several that are controversial.
  3. **Economic Stimulus Package.** The full Senate anticipates floor consideration this week of its version of economic stimulus package, which is expected to contain a number of immigration-related provisions.

- **Cabinet Nominations:** The full Senate could take up the final of President Barack Obama's nominees to head departments that have significant immigration- or refugee-related functions:
  4. **Attorney General of the United States.** The full Senate this week could take up the nomination of Eric H. Holder, Jr., to be Attorney General of the United States.

## House

### **House to Take Up Economic Stimulus Bill Containing Controversial E-Verify Provisions:**

The full House of Representatives this week is scheduled to take up an economic stimulus measure containing two controversial immigration provisions, including one that would greatly expand the mandatory use of the controversial E-Verify program. This week's House floor action is expected to occur on Wednesday, January 28, 2009, in connection with [H.R. 1](#), the "Economic Recovery and Reinvestment Act of 2009".

H.R. 1 is an \$825 BILLION package that is based on proposals put together by President Barack Obama and House and Senate Democratic Leaders. It is an unusual measure, in that it combines discretionary spending provisions, entitlement spending provisions, revenue measures, and authorization provisions. In all, the measure contains \$358.1 BILLION in discretionary spending increases, \$192 BILLION in entitlement spending increases, and \$275 BILLION in tax cuts, and. It was assembled after three separate House committees held markups to put their stamps on the measure.

**Parliamentary Situation.** The House Committee on Rules has scheduled a markup for 3:30 pm on Tuesday, January 27, 2009, at which time it will propose a rule providing for the floor consideration of H.R. 1. The Committee has requested Members wishing to offer amendments to the bill to submit them to the House Committee on Rules by 7:00 pm on Monday, January 26, 2009. Until the Rules Committee reports its rule, it will not be possible to determine what the parliamentary situation will be during House consideration of H.R. 1.

**Summary of Immigration- and Refugee-Related Provisions.** As prepared for introduction, H.R. 1 contains the following immigration- or refugee-related provisions:

- **Mandatory Use of the E-Verify Program.**—Section 1114 of the measure would provide that none of the funds made available by the Act may be used to enter into a contract with an entity that does not participate in the E-Verify program.
- **Bar Illegal Aliens from Receiving the Making Work Pay Tax Credit.** The new Section 36A(c)(1)(A) of the

Internal Revenue Code, added by Section 1001 of the bill, would bar non-resident aliens from receiving the Making Work Pay” tax credits in the bill.

- Immigration Status Documentation Requirements for the “Making Work Pay” Tax Credits. The measure would impose documentation requirements to prevent illegal residents from receiving the Making Work Pay Credit.
- Bar Loan Guarantees if Small Businesses Owned, in Part, by Illegal Aliens. Section 6201(f) of the measure would bar small business loan guarantees under the Act to concerns if an illegal immigrant has an ownership interest in the concern or if the Secretary of Homeland Security or Attorney General of the United States have determined that concern has engaged in a pattern and practice of hiring, recruiting, or referring for a fee, for employment in the United States an alien knowing the person is an unauthorized alien.
- Bar Small Business Loans to Firms Hiring Illegal Aliens. Section 6204(g) of the bill would bar small business concerns from receiving refinancing assistance under the Act if an illegal immigrant has an ownership interest in the concern or if the Secretary of Homeland Security or Attorney General of the United States have determined that concern has engaged in a pattern and practice of hiring, recruiting, or referring for a fee, for employment in the U.S. an alien knowing the person is unauthorized.
- Provisions Relating to the Extension of the E-Verify Program. Title VII of the measure contains a number of provisions relating to the E-Verify Program—
  1. Extension of the E-Verify Program. Section 7001 of the measure would extend the E-Verify Program for five years, through 2016.
  2. Funding for the Social Security Administration’s E-Verify Duties. Section 7002 of the measure would require the Department of Homeland Security to enter into an agreement with the Social Security Administration (SSA) to provide funding to SSA to compensate it for costs associated with its participation in the E-Verify Program.
  3. GAO Study of the Erroneous Nonconfirmations Under the E-Verify Program. Section 7003 of the measure would require the Government Accountability Office (GAO) to conduct a study of the erroneous tentative nonconfirmations under the E-Verify Program.
  4. GAO Study of Effects of the E-Verify Program on Small Entities. Section 7004 of the measure would require to report on its analysis of the impact of the E-Verify Program on small entities.

- Non-Intrusive Detection Technology. Title VII of the measure contains language that would appropriate \$100 MILLION for salaries and expenses for “non-intrusive detection technology to be deployed at sea ports of entry.
- Construction of Inspection Facilities. Title VII of the measure contains language that would appropriate \$150 MILLION for Construction to repair and construct inspection facilities at land border ports of entry.
- Border Facilities and Land Ports of Entry. Title VI of the measure contains language that would appropriate \$1 BILLION to be used for the construction, repair, and alteration of border facilities and land ports of entry.

**Potential Immigration-Related Areas of Controversy.**

The bill’s E-Verify provisions are likely to be extraordinarily controversial. Indeed, they are so controversial that pro-immigrant advocates, labor unions, and business groups are likely to press the House Democratic Leadership to remove the provisions from the bill before it reaches the House floor.

Section 1114 of H.R. 1 would require every entity that contracts with the federal government using funds provided by the economic stimulus bill to use the E-Verify Program to verify its employees’ work eligibility. The language is so broad that it could be construed as requiring such entities to use the Program to verify the eligibility of all of their employees – even employees that are not performing work related to the contract and even to existing; not just new hires. Moreover, the provision could be construed to require even subcontractors and even entities that are providing minimal services funded by the Act to use the Program to verify their employees’ work eligibility.

The provision raises a number of thorny questions, such as –

- Will a company from which pencils are purchased be required to verify its employees’ work eligibility through the E-Verify Program because the pencils are being purchased using funds appropriated by the economic stimulus bill?
- Will Churches be forced to choose between using the E-Verify Program to verify all of its employees and providing services to the public using funds appropriated by the economic stimulus bill?
- Will the E-Verify Program be able to handle the millions of new hits that it could get as a result of a broad interpretation of the bill’s provisions?
- How much will it cost to expand the government’s capability to perform E-Verify Program services at the level required by the bill?

- Will the expanded E-Verify Program mandates impact the ability of the Social Security Administration to perform its basic functions?

Businesses are likely to argue that Section 1114 will make it difficult for them to make use of the funds. This is because in order to use the Program, businesses and other entities must agree to a memorandum of understanding, formally enroll in the program, and train their personnel on the program's use. Already, the U.S. Chamber of Commerce has filed suit against the federal government because of a rule that was published last year requiring most federal contractors to use the E-Verify Program. They are not likely to back away from their opposition to mandatory use of the program in the face of Section 1114.

Organized labor, also, is expected to object to Section 1114. They likely will argue that it would slow down implementation of the Act, resulting in fewer jobs being created. Some are also expected to argue against it out of a concern about the E-Verify Program's accuracy.

The E-Verify Program is not without controversy. Pro-immigrant advocates have argued that it is riddled with errors and that those errors will likely result in unjust firings, the failure of some businesses to hire qualified workers, delayed employment, lost productivity, and enormous costs.

**Administration's Position.** President Obama supports many of the provisions in H.R. 1. However, it was not known at the time of this writing what the Administration's position will be on Section 1114 or Sections 7001-7004.

While he was a member of the United States Senate, President Obama supported legislation to impose a mandatory electronic verification system on all employers. More specifically, he cosponsored a bill to establish such a system,<sup>70</sup> and he cosponsored an amendment to comprehensive immigration reform bills that the Senate was considering to create such systems.<sup>71</sup>

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<sup>70</sup> Senator Obama cosponsored [S. 1917](#), the "Employment Verification Act of 2005", sponsored by Senator Chuck Hagel (R-NE), during the 109<sup>th</sup> Congress. The measure would have established a mandatory electronic employment verification system that all employers would have to make use of when hiring employees.

<sup>71</sup> Senator Obama cosponsored S. Amdt. 1441, an amendment sponsored by Senator Charles Grassley (R-IA), to S. 1348, comprehensive immigration reform legislation that the Senate considered during the 110th Congress. It would have required implementation of a mandatory electronic employment eligibility verification system, and replaced it with a less rigorous system.

President Obama talked up his support for employment verification systems during his campaign for the presidency, boasting that he had, "championed a proposal with Senators Charles Grassley (R-IA), Ted Kennedy (D-MA) and Max Baucus (D-MT) to create a new employment eligibility verification system so employers can verify that their employees are legally eligible to work in the U.S."

President Obama's position while in the Senate on employment verification systems, generally, and his articulations on the subject during his campaign may not be an accurate predictor of the position he will take on Sections 1114 and 7101-7104 of H.R. 1.

Curiously, now that he is in office, the White House's articulation of the new President's immigration agenda has been scrubbed of any references to his prior support for a mandatory electronic employment verification system.<sup>72</sup> And just last week, in one of the first announcements that the new Administration made, White House Chief of Staff Rahm Emanuel issued a directive at least temporarily suspending the implementation of a proposed rule that would have required most federal contractors to use the E-Verify system to verify the employment eligibility of its employees.<sup>73</sup>

The Administration is expected to release a statement of administration policy in the coming days, where it may articulate the President's position on the E-Verify provisions in H.R. 1.

**Outlook.** It appears likely that the House will pass H.R. 1 this week. What was unknown at the time of this writing, however, was how the amendatory process will be shaped, what the Administration's position will be on the E-Verify provisions in the bill, and what the House Democratic Leadership will do with regard to those provisions.

House Democratic Leaders hope to have a bill on President Obama's desk by the time Congress leaves Washington for its week-long President's Day recess, which is set to begin upon the close of business on Friday, February 13, 2009. ☼

## Senate

**Full Senate to Take Up Bill Expanding Immigrant Eligibility for Federal Health Benefits:** The full Senate is expected this week to take up legislation containing provisions that would expand legal immigrant children's and pregnant women's access to federally-financed health

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<sup>72</sup> [Click Here](#) to see the current White House articulation of President Obama's immigration agenda. [Click Here](#) to see how that policy was articulated during his general election campaign for the presidency.

<sup>73</sup> See Page 120 of this week's Weekly Legislative Update for more information about the Administration's suspension of pending Bush Administration regulations

benefits. This week's Senate debate could begin as soon as Monday, January 26, 2009, in connection with [S. 275](#), legislation that the Senate Committee on Finance reported to the Senate as an original bill on January 16, 2009. The Senate Committee on Finance acted on the measure after a bruising debate on immigration, during which the Committee added provisions to the bill expanding legal immigrants' access to SCHIP and Medicaid benefits.<sup>74</sup>

While the full Senate debate on the measure could begin as soon as Monday, no votes on the measure are anticipated before Tuesday, January 27. Senate consideration of the measure could continue throughout most of the week.

As reported by the Senate Committee on Finance, S. 275 would reauthorize the State Children's Health Insurance Program (SCHIP) for four-and-a-half years, increase its benefits, and expand eligibility for the program. The measure would be paid for, in part, by increasing the federal tax on cigarettes by 61 cents.

**Parliamentary Situation.** The Senate has already agreed by unanimous consent to take up the measure. However, at the time of this writing, no unanimous consent agreement governing the amendment process was in place.

The House passed its version of this legislation as [H. R. 2](#), the "Children's Health Insurance Program Reauthorization Act of 2009", on January 14, 2009. The House-passed measure contains similar language expanding immigrant eligibility for SCHIP and Medicaid benefits.<sup>75</sup>

As a technical matter, the Senate will be taking up the House-passed version of H.R. 2. However, the text of the Senate Finance Committee-approved version of S. 275 will be substituted as the text that will be open to amendment on the Senate floor.

Senate Majority Leader Harry Reid (D-NV) has requested that all proposed amendments to the SCHIP bill be filed by Monday night. He has said that after reviewing the amendments that have been filed, he will decide what course he will pursue to limit floor amendments to the bill. But he has not ruled out filing cloture on the bill if not enough progress is being made on the measure by late this week.

**Summary of the Bill's Immigration- and Refugee-Related Provisions.** As reported by the Senate Committee on

Finance, S. 275 contains the following immigration- or refugee-related provisions:

- **State Option to Provide SCHIP and Medicaid Benefits.** The measure would—
  1. Give states the option of providing SCHIP and Medicaid benefits to legal immigrant children and pregnant women without waiting until the immigrant has been in the United States for five years or more;
  2. Waive the requirement under current law that the income and resources of an immigrant's sponsor be deemed to be that of the immigrant for the purposes of determining the immigrant's eligibility for SCHIP and Medicaid; and
  3. Relieve sponsors of affidavit of support obligations with regard to Medicaid and SCHIP benefits.

The Congressional Budget Office estimated that this provision would result in \$3.9 BILLION of additional spending from fiscal year 2009 through fiscal year 2019.

- **Eased Citizenship Verification for States.** Section 211(a) would provide an alternative citizenship verification process for states when determining Medicaid eligibility. Instead of presenting satisfactory documentary evidence as required under the Deficit Reduction Act of 2005, states could submit the name and Social Security number of the individual to the Commissioner of Social Security. The Commissioner would then determine whether the name and Social Security number provided by the state is consistent with information in the records maintained by the Commissioner. If the information is not consistent, the state would make a reasonable effort to address the causes of the inconsistency. If the inconsistency cannot be resolved, the individual would be disenrolled from the program. The bill also would apply the verification process to the Children's Health Insurance Program;
- **Strengthened Citizenship Verification for SCHIP.** Section 211(b) would extend to the SCHIP program a 2005 Medicaid citizenship documentation requirement that some health advocates have found problematic because it has resulted in many eligible persons being barred from the program;
- **Bar on Provision of Benefits to Illegal Immigrants.** Section 605 would explicitly provide that nothing in the Act allows Federal payments for individuals who are not lawfully residing in the United States; and
- **Annual Immigration Status Checks.** The measure would require states to determine the immigration status of all immigrants when states conduct their annual redetermination of eligibility.

<sup>74</sup> See Pages 78-81 and 87-91 of the January 19, 2009, edition of the *Weekly Legislative Update* for a report and analysis of the debate in the Senate Committee on Finance of the immigration-related provisions in S. 275.

<sup>75</sup> See pages 81-83 of the January 19, 2009, edition of the *Weekly Legislative Update* for an analysis of the immigration-related provisions contained in the House-passed version of H.R. 1.

**Potential Immigration-Related Floor Amendments.** The debate on S. 275 that took place last week in the Senate Committee on Finance was extraordinarily contentious. Much of last week's contentiousness centered on two provisions: the provisions in the bill expanding immigrant eligibility for SCHIP and Medicaid and the provision easing citizenship verification requirements.

Committee Republicans argued that the expansion of SCHIP and Medicaid benefits to legal immigrants who have been in the United States for fewer than five years was unjustified and would result in a diminution of benefits that could be going to U.S. citizens. They also argued against the easing of citizenship documentary requirements, contending that those provisions would lead to many illegal aliens gaining access to federally-financed health benefits.

Senators offered seven immigration-related amendments to S. 275 in Committee. Two of them were adopted, one was withdrawn, and four were defeated.<sup>76</sup> While no word was available at the time of this writing on whether senators will seek to offer these and other immigration-related amendments to the bill once it is brought before the full Senate, such a possibility would not be an unreasonable assumption.

**Outlook.** It was unclear at the time of this writing what floor amendments will be offered to the SCHIP measure. It seemed highly likely, however, that at least one senator will seek to offer at least one amendment to strike or substantially modify the provisions in the bill that ease legal immigrant' access to the program.

**Full Senate Could Take Up Nomination of Eric Holder to be Attorney General of the United States:** The Senate this week could take up the nomination of Eric H. Holder, Jr., to be Attorney General of the United States. The Senate Committee on the Judiciary is expected to approve the nomination on Wednesday, January 28, 2009, and the full Senate could act any time thereafter.

**Senate to Take Up Economic Stimulus Bill:** The full Senate could take up its version of the economic stimulus bill as early as this week. The Senate Committee on Finance and Senate Committee on Appropriations are marking up their portions of the bill this week, and the package could be assembled in time for the Senate to take it up on Thursday, January 29, 2009 or Friday, January 30, 2009.

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<sup>76</sup> See Pages 76-79 of the January 19, 2009, edition of the *Weekly Legislative Update* for a detailed description of the Senate Finance Committee markup of S. 275 and the amendments offered in Committee to the measure.

While both committees have released summaries of the provisions that they plan to markup, the text was not available at the time of this writing.

## ***This Week's Conference Activity***

No bills containing significant immigration- or refugee-related provisions are currently in conference.

## ***This Week's Executive Activity***

**Statement of Administration Policy on E-Verify Provisions of Economic Stimulus Bill:** The Obama Administration could release its first Statement of Administration Policy (SAP) this week in connection with [H.R. 1](#), the "Economic Recovery and Reinvestment Act of 2009", which the House of Representatives is expected to take up on Wednesday, January 28, 2009. It was unclear at the time of this writing whether the Administration would address the bill's E-Verify provisions in the SAP.

## ***Organization of the 111<sup>th</sup> Congress***

The Senate and House of Representatives will continue over the next several weeks in a transition of their own as they organize the 111th Congress. This section of the Weekly Legislative Update is devoted to chronicling the impact that the 111th Congress' organizational efforts will have on immigration- and refugee-related legislation, as well as examining the impact that those actions and decisions will have on Congressional oversight of the executive branch's immigration- and refugee-related functions.

This section will continue in this publication until all 111th Congress organizational actions have been completed.

### **House**

**House Judiciary Committee Organizes for the 111<sup>th</sup> Congress:** The House Committee on the Judiciary held its 111<sup>th</sup> Congress organizing meeting last week, finalizing its full committee roster and establishing its subcommittee structure and rosters.

**Committee Jurisdiction.** The House of Representatives will continue to split jurisdiction over immigration and refugee legislation and oversight during the 111<sup>th</sup> Congress. The bulk of legislative and oversight jurisdiction over immigration and refugee matters will continue to be split among three committees:

- **House Judiciary Committee.** The House Committee on the Judiciary reportedly will continue to have jurisdiction

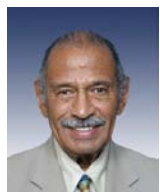
over immigration policy and non-border enforcement of the immigration laws, including over refugee policy.

- **House Homeland Security Committee.** The House Committee on Homeland Security reportedly will have jurisdiction over functions of the Department of Homeland Security relating to border and port security (except immigration policy and non-border enforcement).
- **House Foreign Affairs Committee.** The re-named House Committee on Foreign Affairs reportedly will continue to have jurisdiction over aspects of visa issuance, the Department of State' Bureau of Population, Refugees, and Migration.

**Committee Chairman.** Representative John Conyers, Jr. (D-MI) has returned in the 111<sup>th</sup> Congress as Chairman of the House Committee on the Judiciary.

Representative John Conyers was first elected to the U.S. House of Representatives in 1964. His district includes parts of Detroit and Dearborn. He entered the 111<sup>th</sup> Congress as the second longest serving Member of the House and the fifth-longest serving Member of Congress.

Representative Conyers' district has one of the largest Arab and Moslem populations in the country. However, its Hispanic and Asian populations are relatively small. According to 2007 Census Bureau statistics, 1.8 percent of the district's population is Hispanic and 1.8 percent is Asian. The Census Bureau also reports that 9.5 percent of the district's population is foreign-born, that non-citizens comprise just 3.9 percent of the district's population, and that 4.8 percent of the district's population are naturalized United States citizens.



Representative Conyers has never voted against the pro-immigrant advocacy community's position on a key, contested immigration- or refugee-related vote during his House career. In addition to his solid voting record, he also has cosponsored much of the pro-immigrant and pro-refugee community's most favored bills during his time in the House, and he has been quoted frequently in recent years indicating that the enactment of comprehensive immigration reform legislation is one of his highest legislative priorities.

During the 110<sup>th</sup> Congress, Representative Conyers cosponsored the STRIVE Act. But he did not cosponsor some of the other marquee pro-immigrant legislation during that Congress, including the DREAM Act and AgJOBS legislation.

**Ranking Minority Member.** Representative Lamar Smith (R-TX) is reprising his role from the 110<sup>th</sup> Congress as the Committee's Ranking Republican during the 111<sup>th</sup> Congress.

Representative Lamar Smith (R-TX) was first elected to the U.S. House of Representatives in 1986. His district is located



in central Texas and includes West Austin and its suburbs, as well as northeast San Antonio and its suburbs.

Representative Smith is no stranger to immigration. He served as chairman of the House Judiciary Subcommittee on Immigration, Border Security, and Claims from 1995 through 2000, during which time he wrote and led Congress to enacting the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), two laws that have long been reviled by the pro-immigrant advocacy community for gutting due process for aliens who are suspected of being in the United States illegally and restricting legal immigrants' access to state, local, and federal immigration benefits. Prior to that time, Representative Smith served as the Ranking Minority Member on the subcommittee. During those years, he waged a vigorous (though ultimately unsuccessful) opposition to the Immigration Act of 1990, legislation that re-ordered the family preference immigration system, increased legal immigration to the United States, and ushered in the Temporary Protected Status provisions of the Immigration and Nationality Act.

Ranking Republican Smith has rarely voted in favor of the pro-immigrant advocacy community's position on a contested immigration- or refugee-related vote, doing so just four times out of 72 such votes during his time in Congress.

Representative Smith was an opponent during the 109<sup>th</sup> Congress of comprehensive immigration reform. Instead, he strongly supported H.R. 4437, the Sensenbrenner immigration enforcement-only bill that the House of Representatives passed early in 2006. As 2006 drew to a close, Representative Smith was quoted as saying, "[i]mmigration is a complex issue." He said that "Congress should take its time and get it right. We need to make sure any immigration bill is good for America and benefits the American people."

**New Party Ratio.** As the 110<sup>th</sup> Congress drew to a close, the ratio of Democrats-to-Republicans on the House Judiciary Committee was 23-Republicans-to-17 Democrats. The committee ratio in the 111<sup>th</sup> Congress will be lines of 24-16.

**Departed Committee Members.** Seven Members who sat on the Committee during the 110<sup>th</sup> Congress have left the Committee in the 111<sup>th</sup> Congress.

Three of the departed Committee Members are Democrats who were on the Committee during the 110<sup>th</sup> Congress pursuant to waivers of House Democratic Caucus rules that otherwise would have precluded them from serving on the Committee. They did not get the waivers for the 111<sup>th</sup> Congress. Of the five Republicans who have left the

Committee, four were defeated in their bids for reelection and the other, Representative Mike Pence (R-AZ), left the Committee but remains in the House in a Leadership position.

The three departed Committee Democrats are:

- Betty Sutton (D-OH)
- Keith Ellison (D-MN)
- Artur Davis (D-AL).

The five departed Committee Republicans are:

- Steve Chabot (R-OH)
- Chris Cannon (R-UT)
- Ric Keller (R-FL)
- Mike Pence (R-AZ)
- Tom Feeney (R-FL).

**New Committee Members.** Eight Members who were not on the Committee during the 110<sup>th</sup> Congress are joining the Committee in the 111<sup>th</sup> Congress, including five freshmen. Four of the new Members are Democrats and the other four are Republicans.

The four new Democratic Members are:

- Pedro Pierluisi (D-PR)
- Charles A. Gonzalez (D-TX)
- Daniel B. Maffei (D-NY)
- Dennis Moore (D-KS).

The four new Republican Committee Members are:

- Ted Poe (R-TX)
- Jason Chaffetz (R-UT)
- Tom Rooney (R-FL)
- Greg Harper (R-MS).

**Immigration Subcommittee.** During the 110<sup>th</sup> Congress, the House Judiciary Committee's Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law (Immigration Subcommittee) had jurisdiction over immigration and naturalization, border security, admission of refugees, treaties, conventions and international agreements, claims against the United States, federal charters of incorporation, private immigration and claims bills, non-border enforcement, other appropriate matters as referred by the chairman, and relevant oversight. The Subcommittee is being retained in the 111<sup>th</sup> Congress and will have the precise same jurisdiction in the 111<sup>th</sup> Congress as it had during the 110<sup>th</sup> Congress.

The Chairwoman of the Immigration Subcommittee during the 110<sup>th</sup> Congress was Representative Zoe Lofgren (D-CA). It is widely believed that she will return to that role in the 111<sup>th</sup> Congress.

Representative Lofgren was first elected to the U.S. House of Representatives in 1994. She filled the seat vacated by longtime Representative Don Edwards (D-CA), a Member for whom she once worked. Her district takes in most of San Jose and is solidly Democratic. It is an ethnically diverse district. According to 2007 Census Bureau figures, nearly 40 percent of the district's population is Hispanic, more than 29 percent of its population is Asian, 42 percent of the district's population is foreign-born, and 20 percent of the district's residents are noncitizens.



Representative Lofgren had great exposure to immigration in the years prior to her election to the U.S. House of Representatives. She was a partner in a law firm in San Jose for two years, where she practiced immigration law. And she taught immigration law for three years at Santa Clara University, her alma mater.

Representative Lofgren has a long record of support for pro-immigrant and pro-refugee legislation, having supported the positions of the pro-immigrant and pro-refugee advocacy communities on all but one of 59 key contested immigration- and refugee-related votes that she has cast during her House career. In the only key vote that she has ever cast against the position of the pro-immigrant advocacy community, she voted in 1996 against an amendment that would have stricken the program that is now known as the e-verify program from the bill that was enacted into law as the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).

In addition to her strong voting record, Representative Lofgren has sponsored or cosponsored numerous pieces of pro-immigrant or pro-refugee legislation, including the Child Status Protection Act, immigration services backlog reduction legislation, the DREAM Act, AgJOBS legislation, and the Unaccompanied Alien Child Protection Act, and legislation to extend the religious worker visa program. As chair of the Immigration Subcommittee during the 110<sup>th</sup> Congress, Representative Lofgren attempted to move a number of significant pro-immigrant and pro-refugee measures through Congress.

Representative Steve King (R-IA) was the Ranking Republican on the Immigration Subcommittee during the 110<sup>th</sup> Congress. It was unclear at the time of this writing whether he will return to that position in the 111<sup>th</sup> Congress.



Representative King has long been a leading opponent of immigrants, immigration, and refugees. Indeed, he has never once voted in favor of the pro-immigrant or pro-refugee advocacy community's position on a key contested immigration- or refugee-related vote during his time in the House, a period that spanned six years and 38 votes at the time of this writing.

Representative King often used his position as Ranking Republican on the Immigration Subcommittee as a platform to oppose measures that Chairwoman Lofgren sought to bring before the Subcommittee and full Committee, sometimes getting into bruising battles with his more pro-immigrant colleagues.

During the 110<sup>th</sup> Congress, King was a member of the Immigration Reform Caucus, a group of immigration restrictionists who advocate for strong immigration enforcement measures and against pro-immigrant and pro-immigration legislation. Among the high profile immigration measures that he cosponsored during the 110<sup>th</sup> Congress was H.R. 1940, the Birthright Citizenship Act, and H.R. 4088, the Secure America Through Verification and Enforcement Act of 2007, popularly known as the SAVE Act. This latter measure, sponsored by Representative Heath Shuler (D-NC), was the subject during the 110<sup>th</sup> Congress of a discharge petition, which Representative King signed on to.

**New and Departed Subcommittee Members.** The Immigration Subcommittee had 16 Members during the 110<sup>th</sup> Congress, with the subcommittee’s partisan ratio being 10-Democrats-to-6 Republicans. The number of Subcommittee Members and the ratio of Democrats to Republicans will remain the same in the 111<sup>th</sup> Congress.

On the Democratic side of the aisle, three Democrats who sat on the Subcommittee during the 110<sup>th</sup> Congress are not on the Subcommittee in the 111<sup>th</sup> Congress. The Subcommittee got two new members to replace the departed Subcommittee Members.

On the Republican side of the aisle, three of the six Members who served on the Subcommittee during the 110<sup>th</sup> Congress are not on the Subcommittee in the 111<sup>th</sup> Congress. The Subcommittee got three new Republican Members to replace them.

The departed 110<sup>th</sup> Congress Subcommittee Members are:

- Artur Davis (D-AL)
- Keith Ellison (D-MN)
  
- Robert W. Goodlatte (R-VA)
- J. Randy Forbes (R-VA)
- Louie Gohmert (R-TX)

The new 111<sup>th</sup> Congress Subcommittee Members are:

- Pedro Pierluisi (D-PR)
- Charles A. Gonzalez (D-TX)
  
- Gregg Harper (R-MS)
- Ted Poe (R-TX)
- Jason Chaffetz (R-UT)

**Full Committee and Subcommittee Rosters.** The charts that follow list the membership of the House Judiciary Committee and the House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law in the 111<sup>th</sup> Congress. Members who have left the Committee since the adjournment of the 110<sup>th</sup> Congress are denoted with a ~~stricken through line~~. New Members since the 110<sup>th</sup> Congress are marked with an asterisk (\*):

**House Committee on the Judiciary**  
**111<sup>th</sup> Congress**

Democrats (24)	Republicans (16)
Conyers (D-MI)	Smith, Lamar (R-TX)
Berman (D-CA)	Sensenbrenner (R-WI)
Boucher (D-VA)	Coble (R-NC)
Nadler (D-NY)	Gallegly (R-CA)
Scott (D-VA)	Goodlatte (R-VA)
Watt (D-NC)	<del>Chabot (R-OH)</del>
Lofgren (D-CA)	Lungren (R-CA)
Jackson Lee (D-TX)	<del>Cannon (R-NV)</del>
Waters (D-CA)	<del>Keller (R-FL)</del>
Delahunt (D-MA)	Issa (R-CA)
Wexler (D-FL)	<del>Pence (R-IN)</del>
Cohen (D-TN)	Forbes (R-VA)
Johnson (D-GA)	King (R-IA)
*Pierluisi (D-PR)	<del>Feeney (R-FL)</del>
<del>Sutton (D-OH)</del>	Franks (R-AZ)
Gutierrez (D-IL)	Gohmert (R-TX)
Sherman (D-CA)	Jordan (R-TN)
Baldwin (D-WI)	*Poe (R-TX)
*Gonzalez (D-TX)	*Chaffetz (R-UT)
Weiner (D-NY)	*Rooney (R-FL)
Schiff (D-CA)	*Harper (R-MS)
<del>Davis, Artur (R-AL)</del>	
<del>Ellison (D-MN)</del>	
*Maffei (D-NY)	
Sánchez, Linda (D-CA)	

Democrats (24)	Republicans (16)
Wasserman Schultz (D-FL)	
*Moore (D-KS)	

**House Judiciary Immigration Subcommittee  
 111<sup>th</sup> Congress**

Democrats (10)	Republicans (6)
Lofgren (D-CA)	King (R-IA)
Berman (D-CA)	*Harper (R-MS)
Jackson Lee (D-TX)	Gallegly (R-CA)
Waters (D-CA)	<del>Goodlatte (R-VA)</del>
*Pierluisi (D-PR)	Lungren (R-CA)
Gutierrez (D-IL)	<del>Forbes (R-VA)</del>
Sanchez, Linda (D-CA)	<del>Gohmert (R-TX)</del>
Weiner (D-NY)	*Poe (R-TX)
*Gonzalez (D-TX)	*Chaffetz (R-UT)
Delahunt (D-MA)	
<del>Davis, Artur (R-AL)</del>	
Ellison (D-MN)	

**House Appropriations Committee Organizes for the 111<sup>th</sup> Congress:** The House Committee on Appropriations has completed its organization for the 111<sup>th</sup> Congress. Both the full committee and its subcommittees will have increased Democratic majorities in the 111<sup>th</sup> Congress, including the four subcommittees that have appropriating jurisdiction over the federal government's immigration- and refugee-related department, agencies, functions, programs, and activities. The Committee held its organizing meeting on Wednesday, January 21, 2009, adopting its subcommittee rosters and rules by a voice vote.

**Committee Jurisdiction Over Immigration and Refugees.** The House Committee on Appropriations is responsible for appropriating all of the federal government's discretionary spending. This includes responsibility for refugee admissions, overseas assistance to refugees, emergency assistance to refugees, refugee resettlement, assistance to torture victims and the victims of trafficking, appropriations for immigration enforcement, immigration services, appropriations for the care and custody of unaccompanied alien children, and the adjudication of litigation over immigration enforcement and service matters.

**New Party Ratio.** As the 110<sup>th</sup> Congress drew to a close, the ratio of Democrats-to-Republicans on the House Appropriations Committee was 37-Democrats-to-29-Republicans. The House Democratic Leadership made significant changes in the committee ratio for the 111<sup>th</sup> Congress, cutting six seats, all of them on the Republican side of the aisle. Accordingly, the ratio of Democrats-to-Republicans on the Committee is now 37-23.

Eight Republican members of the House Appropriations Committee either retired at the end of the 110<sup>th</sup> Congress or were defeated for reelection in 2008. This means that Republicans added two new Members to the Committee in the 111<sup>th</sup> Congress who were not on the Committee during the 110<sup>th</sup> Congress.

Democrats lost two Members of the Committee to retirement at the end of the 110<sup>th</sup> Congress. This means that they, too, have added two new Members to the Committee in the 111<sup>th</sup> Congress who were not on the Committee during the 110<sup>th</sup> Congress.

**Committee Chairman.** Representative David R. Obey assumed the chairmanship of the House Committee on Appropriations and its Subcommittee on Labor, Health and Human Services, Education, and Related Agencies at the beginning of the 110<sup>th</sup> Congress. He continues in those two roles in the 111<sup>th</sup> Congress. He previously has served as both the Chairman and the Ranking Minority Member on the Committee's Subcommittee on Foreign Operations.



Except for a brief period in 1994 when he took over the Committee following the death of Chairman William Natcher (D-KY), the 111<sup>th</sup> Congress marks the first time that Representative Obey will have chaired the Appropriations Committee while a Democrat was in the White House and the Senate was controlled by Democrats, a circumstance that he hopes will yield a more productive result than was achieved during the 110<sup>th</sup> Congress, when a combination of President George W. Bush's veto threats and the narrowness of the Democratic majority in the Senate resulted in appropriations victory-after-victory for the GOP and defeat-after-defeat for Democrats. In a bow to political realities, Chairman Obey decided in 2008 to not even bring most of the appropriations bills before the full House of Representatives, opting, instead, to wait until after President-Elect Obama takes office to complete the fiscal year 2009 appropriations process.

Representative Obey is well-versed on immigration and refugee matters. This knowledge comes from a combination of his long tenure in Congress, the leadership roles that he has had on the Appropriations Committee, and the experience of his district, which is the home of many refugees from Southeast Asia, particularly the Hmong.

From his positions of leadership in Congress, Representative Obey has often pushed for higher levels of appropriations for immigration and refugee functions. But he also has been a critic of United States refugee and immigration policy when the experiences of his district have clashed with the wishes of the pro-immigrant and pro-refugee advocacy communities.

Chairman Obey has a mixed voting record on immigration matters. As the 110th Congress drew to a close, he had supported the positions of the pro-immigrant and pro-refugee advocacy communities on just under 80 percent of the key contested immigration- or refugee-related votes that he had cast during his House career. As the 111th Congress convened, there were 160 Members of the House of Representatives whose voting records were more supportive of the pro-immigrant and pro-refugee advocacy communities' positions than Representative Obey's. And of the 256 Democrats in the House at the beginning of the 111th Congress, there are 156 whose voting records on immigration- and refugee-related matters are more supportive of the pro-immigrant and pro-refugee advocacy community's positions on key contested immigration and refugee votes than Representative Obey's.

Representative Obey supported the immigration advocacy community's positions on most of the key votes that occurred during the 109th and 110th Congress, including votes that he cast against the Sensenbrenner enforcement only bill and against the REAL ID Act in the 109th Congress. He also declined to either cosponsor the Shuler enforcement bill in the 110th Congress and declined to join the discharge petition effort that was launched during the 110th Congress on behalf of the Shuler bill.

In all, Representative Obey voted in favor of the positions of the pro-immigrant and pro-refugee advocacy communities on all but 15 of the 76 key contested immigration- and refugee-related votes that have taken place during his House career. Among the negative votes that Representative Obey has cast during his career are the following:

Among the negative votes he has cast during his career are the following:

- In 1986, he voted against an amendment to the Immigration Reform and Control Act (IRCA) offered by Representative Henry Gonzalez (D-TX) to assure that a family containing at least one member eligible for housing assistance could receive assistance without regard to legal status of other family members;
- In 1989, he voted against a procedural motion offered by Representative Silvio Conte (R-NY) in relation to the Fiscal Year 1990 Commerce, Justice, State Appropriations Bill. The Conte motion sought to block a motion to instruct House conferees from being offered that would have instructed conferees to agree to a Senate amendment to the measure that would prohibit the Census Bureau from counting illegal aliens in the 1990 census for purposes of reapportionment of the House;
- In 1992, he voted against an amendment offered by Representative John Conyers, Jr. (D-MI) to a Haitian asylum seeker bill that would have granted Temporary Protected Status (TPS) for Haitians who are in the custody of the United States until democracy is returned to Haiti, even if they arrived after February 5, 2005;
- In 1996, he voted in favor of an amendment offered by Representative Bill McCollum (R-FL) to H.R. 2202, the bill that eventually became the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) to direct the Social Security Administration to improve the design and material of Social Security account number cards in order to secure them against counterfeiting and fraudulent use;
- In 1996, he voted against an amendment offered by Representative Nydia Velazquez (D-NY) to H.R. 2202, the bill that eventually was enacted into law as the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) to strike provisions in the bill which would keep undocumented aliens from applying for benefits, such as food stamps and Medicaid, on behalf of their U.S. born children;
- In 1996, he voted against an amendment offered by Representative Chrysler (R-MI) to H.R. 2202, the bill that eventually was enacted into law as the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) to strike most of the bill's provisions on legal immigration, specifically language relating to new limits on the number of legal immigrants admitted into the United States and restricting the family preference system;
- In 1996, he voted in favor of agreeing to the conference report accompanying H.R. 2202, the bill that eventually was enacted into law as the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The measure restricted illegal immigration by increasing the number of border agents, installing fences along the California Mexico border and making it easier to deport and detain illegal immigrants. The bill also denied legal immigrants federal benefits under means based programs and made people who use them deportable. And it imposed income requirements of up to twice the poverty level for sponsors of legal immigrants;
- In 1999, he voted in favor of a Bereuter (R-NE) amendment to H.R. 417 to prohibit individual campaign contributions to federal campaigns from non U.S. citizens, including permanent U.S. residents;
- In 2005, he voted in favor of a Goodlatte (R-VA) amendment to H.R. 4437, the "Border Protection,

Antiterrorism, and Illegal Immigration Control Act of 2005," that would have eliminated the diversity visa program;

- In 2006, he voted in favor of a Garrett (R-NJ) amendment to H.R. 5384, the Fiscal Year 2007 Agriculture Appropriations Bill, that would barred the use of funds under the Food Stamp program to contravene existing immigration law requiring sponsors of legal aliens to be financially liable for their government benefits;
- In 2006, he voted in favor of a Kingston (R-GA) amendment to H.R. 5441, the Fiscal Year 2007 Homeland Security Appropriations Bill, that would have barred the use of funds by the department to provide a foreign government with information relating to the operations or location of the Minutemen or other private volunteer border patrol groups along the U.S.-Mexican border in California, Arizona, New Mexico or Texas, unless the information sharing is required by an international treaty;
- In 2006, he voted in favor of H.R. 6094, a bill that would have permitted the indefinite detention of certain aliens pending their deportation, barred admission into the United States for gang members, and made alien members of certain gangs automatically eligible for deportation;
- In 2006, he voted in favor of H.R. 6095, a bill that would have increased state and local government authority to enforce civil immigration law, permitted the Administration to quash immigration litigation brought against it without regard to the merits of the cases, and require the Justice Department to hire more attorneys to prosecute human smuggling cases;
- In 2007, he voted in favor of a Bilbray (R-CA) amendment to H.R. 2638, the Fiscal Year 2008 Homeland Security Appropriations Bill, that would have added \$150 million for grants to assist states to meet requirements of the REAL ID Act of 2005 for secure driver's licenses and identification cards, and would have been offset by a reduction for the Coast Guard Deepwater ship and aircraft modernization program by the same amount; and
- In 2007, he voted in favor of a Tancredo (R-CO) amendment to H.R. 2638, the Fiscal Year 2008 Homeland Security Appropriations Bill, that would barred the use of funds in the bill to assist state or local governments that have sanctuary policies, whereby they refuse to share information with the Bureau of Immigration and Customs Enforcement on an individual's citizenship or immigration status.

**Committee Ranking Minority Member.** Returning in the 111<sup>th</sup> Congress as the Ranking Minority Member of the House Committee on Appropriations is Representative Jerry Lewis (R-CA), who chaired the Committee during the 109<sup>th</sup> Congress and was the Committee's Ranking Minority Member in the 110<sup>th</sup> Congress.

Representative Lewis was first elected to the U.S. House of Representatives in 1978. His district is comprised of most of San Bernardino County and includes the Redlands.



Representative Lewis has voted against the positions of the pro-immigrant and pro-refugee advocacy communities more often than not during his House career. As the 110<sup>th</sup> Congress drew to a close, he had supported the positions of those communities on just 27.6 percent of the key contested immigration-related votes that he had cast during his time in the House. As low as his percentage of support is, he still had the ninth most supportive record on immigration- and refugee-related matters of all sitting House Republicans in the 111<sup>th</sup> Congress.

In all, Representative Lewis voted in favor of the positions of the pro-immigrant and pro-refugee advocacy communities on 21 of the 76 key contested immigration- and refugee-related votes that he cast from the time he entered Congress in 1979 until the end of the 110<sup>th</sup> Congress.

On some of the more high-profile immigration-related votes during the 109<sup>th</sup> and 110<sup>th</sup> Congresses, Representative Lewis opposed the pro-immigrant advocacy community's positions by supporting the REAL ID Act, the Sensenbrenner enforcement only immigration bill, the CLEAR Act, barring mortgages for undocumented aliens, barring funding for sanctuary cities, and supporting higher levels of appropriations for the 287(g) program.

At the same time, he opposed increasing state funding for the REAL ID Act, opposed barring extensions of TPS, and voted to relax the requirement that fencing along the United States border with Mexico be double-layered.

While he declined to cosponsor the Shuler immigration enforcement bill during the 110<sup>th</sup> Congress, he did sign the discharge petition aimed at forcing the bill to the House floor.

**Departed Members.** As previously noted, two Democratic and eight Republican Members who were on the Committee in the 110<sup>th</sup> Congress have left the Committee in the 111<sup>th</sup> Congress.

Departed Democratic Members are:

1. Bud Cramer (D-AL)
2. Tom Udall (D-NM)

Departed Republicans are:

1. Ralph Regula (R-OH)
2. Jim Walsh (R-NY)
3. Dave Hobson (R-OH)
4. Joe Knollenberg (R-MI)
5. John Peterson (R-PA)
6. Virgil Goode (R-VA)
7. Ray LaHood (R-IL)
8. Dave Weldon (R-FL).

**New Committee Members.** Democrats have added two new members to the Appropriations Committee in the 111<sup>th</sup> Congress. Republicans will not be adding any new members to the Committee.

The new Democratic Members are:

1. John Salazar (D-CO)
2. Lincoln Davis (D-TN)

The new Republican Members are:

1. Tom Cole (R-OK)
2. Steven C. LaTourette (R-OH)

**Committee Roster.** The chart that follows lists the membership of the House Committee on Appropriations in the 111<sup>th</sup> Congress. Members who have left the Committee in the 111<sup>th</sup> Congress are denoted with a ~~stricken through line~~. New Members are marked with an asterisk (\*):

**House Committee on Appropriations  
111<sup>th</sup> Congress**

Democrats (37)	Republicans (29)
Obey (D-WI)	Lewis (R-CA)
Murtha (D-PA)	Young (D-FL)
Dicks (D-WA)	<del>Regula (R-OH)</del>
Mollohan (D-WV)	Rogers (R-KY)
Kaptur (D-OH)	Wolf (R-VA)
Visclosky (D-IN)	<del>Walsh (R-NY)</del>
Lowey (D-NY)	<del>Hobson (R-OH)</del>
Serrano (D-NJ)	<del>Knollenberg (R-MI)</del>
DeLauro (D-CT)	Kingston (R-GA)
Moran (D-VA)	Frelinghuysen (R-NJ)
Olver (D-MA)	Tiahrt (R-KS)
Pastor (D-AZ)	Wamp (R-TN)

Democrats (37)	Republicans (29)
Price (D-NC)	Latham (R-IA)
Edwards (D-TX)	Aderholt (R-AL)
<del>Cramer (D-AL)</del>	Emerson (R-MO)
Kennedy (D-RI)	Granger (R-TX)
Clyburn (D-SC)	<del>Peterson (R-PA)</del>
Himchey (D-NY)	<del>Goode (R-VA)</del>
Roybal-Allard (D-CA)	<del>LaHood (R-IL)</del>
Farr (D-CA)	<del>Weldon (R-FL)</del>
Jackson (D-IL)	Simpson (R-ID)
Kilpatrick (D-MI)	Culberson (R-TX)
Boyd (D-FL)	Kirk (R-IL)
Fattah (D-PA)	Crenshaw (R-FL)
Rothman (D-NJ)	Rehberg (R-MT)
Bishop (D-GA)	Carter (R-TX)
Berry (D-AR)	Alexander (R-LA)
Lee (D-CA)	Calvert (R-CA)
<del>Udall (D-NM)</del>	Bonner (R-AL)
Schiff (D-CA)	*Cole (R-OK)
Honda (D-CA)	*LaTourette (R-OH)
McCollum (D-MN)	
Ruppersberger (D-MD)	
T. Ryan (D-IL)	
Wasserman Schultz	
Chandler (D-KY)	
Rodriguez (D-TX)	
*Salazar (D-CO)	
*Davis (D-TN)	

**Subcommittee Jurisdictional Lines and Membership.**

Each subcommittee of the Appropriations Committee has appropriating jurisdiction over a different combination of federal agencies and departments. These subcommittees produce a bill that first is marked up in the subcommittee and then marked up by the full Committee.

The House Committee on Appropriations has been in a state of flux over the last several Congresses. It shrank from 13 subcommittees down to ten at the beginning of the 109<sup>th</sup>

Congress. But the committee organization plan approved by the Committee during the 110<sup>th</sup> Congress increased the number of subcommittees to 12. It is widely anticipated that the Committee will maintain the same structure in the 111<sup>th</sup> Congress that it had during the 110<sup>th</sup> Congress.

During the 110<sup>th</sup> Congress, four of the House Appropriations Committee's subcommittees had jurisdiction over the bulk of immigration- and refugee-related appropriations matters:

- Homeland Security Subcommittee. The Subcommittee on Homeland Security has jurisdiction over funding for the Department of Homeland Security, including its Directorate for Border and Transportation Security (BTS), which is the parent directorate for three immigration-related bureaus: the Bureaus of Citizenship and Immigration Services (CIS), Customs and Border Protection (CPB), and Immigration and Customs Enforcement (ICE).

The Homeland Security Subcommittee was chaired by Representative David E. Price (D-NC) in the 110<sup>th</sup> Congress. He is returning as chairman in the 111<sup>th</sup> Congress. The Ranking Minority Member on the Subcommittee during the 110<sup>th</sup> Congress was Representative Harold Rogers (R-KY). He is returning to that position in the 111<sup>th</sup> Congress.

During the 110<sup>th</sup> Congress, the subcommittee had 15 members. Nine of its members were Democrats and six were Republicans. The Committee ratio has been changed in the 111<sup>th</sup> Congress. There still are nine Democrats on the Subcommittee during the 111<sup>th</sup> Congress. However, the number of Republicans who are on the Subcommittee has been decreased to five.

The Subcommittee roster has undergone significant changes in the 111<sup>th</sup> Congress.

On the Democratic side of the aisle, three Democrats who were on the Subcommittee during the 110<sup>th</sup> Congress are departing, to be replaced by three new Members. Departing Subcommittee Democrats are Representatives Carolyn Cheeks Kilpatrick (D-MI), Chet Edwards (D-TX), and Chaka Fatah (D-PA). The three new Democratic Members are Representatives Dutch Ruppersberger (D-MD), Alan Mollahan (D-WV), and Steve Rothman (D-NJ).

On the Republican side of the aisle, three 110<sup>th</sup> Congress GOP Subcommittee Members have left the Subcommittee, to be replaced by two new Republicans. Gone from the Subcommittee in the 111<sup>th</sup> Congress are Representatives Robert B. Aderholt (R-AL), Kay Granger (R-TX), and John Peterson (R-PA). The two new Republicans are Representatives Mark Steven Kirk (R-IL) and Ken Calvert (R-CA).

- State-Foreign Operations Subcommittee. The Subcommittee on State, Foreign Operations, and Related Programs had jurisdiction over the Department of State's refugee admissions and overseas refugee assistance programs, which are operated by the Bureau of Population, Refugees, and Migration (PRM) and administered through the Migration and Refugee Assistance (MRA) and Emergency Refugee and Migration Assistance (ERMA) accounts.

The State-Foreign Operations Subcommittee was chaired by Representative Nita M. Lowey (D-NY) in the 110<sup>th</sup> Congress. She is returning as chairwoman in the 111<sup>th</sup> Congress. The Ranking Minority Member on the Subcommittee during the 110<sup>th</sup> Congress was Representative Frank Wolf (R-VA). He is giving up the Ranking Republican position in the 111<sup>th</sup> Congress. The new Ranking Republican will be Representative Kay Granger (R-TX).

During the 110<sup>th</sup> Congress, the Subcommittee had a ratio of 8-Democrats-to-5-Republicans. That ratio will be different in the 111<sup>th</sup> Congress, with a ratio of 8-Democrats-to-4-Republicans.

The Subcommittee's Democratic roster in the 111<sup>th</sup> Congress is identical to what it was during the 110<sup>th</sup> Congress.

On the GOP side of the aisle, three Republicans who served on the Subcommittee during the 110<sup>th</sup> Congress are leaving the Subcommittee in the 111<sup>th</sup> Congress and they will be replaced by two new Republican Members. Departing the Subcommittee in the 111<sup>th</sup> Congress are Representatives Frank Wolf (R-VA), Joe Knollenberg (R-MI) and Dave Weldon (D-FL). They have been replaced by Representatives Kay Granger (R-TX) and Denny Rehberg (R-MT).

- Labor-HHS Subcommittee. The Subcommittee on Labor, Health and Human Services, Education, and Related Agencies has jurisdiction over funding for the Department of Health and Human Services' refugee resettlement programs, operated by the Department's Office of Refugee Resettlement (ORR).

The Labor-HHS Subcommittee was chaired by full Committee Chairman David Obey (D-WI) in the 110<sup>th</sup> Congress. He has returned as chairman in the 111<sup>th</sup> Congress. The Ranking Minority Member on the Subcommittee during the 110<sup>th</sup> Congress was Representative Jim Walsh (R-NY). He retired at the end of the 110<sup>th</sup> Congress. The new Ranking Republican on the Subcommittee is Todd Tiahrt (R-KS).

During the 110<sup>th</sup> Congress, the Subcommittee had a ratio of 11-Democrats-to-6-Republicans. That ratio is

different in the 111<sup>th</sup> Congress, with a ratio of 11-Democrats-to-5-Republicans.

On the Democratic side of the aisle, the Subcommittee's Democratic roster is nearly identical in the 111<sup>th</sup> Congress to what it was in the 110<sup>th</sup> Congress. Only one Democrat has left the Subcommittee: Representative Tom Udall (D-NM). He has been replaced on the Subcommittee by Representative Jim Moran (D-VA).

There have been significant changes on the GOP side of the aisle. Five of the six Republicans who sat on the Subcommittee in the 110<sup>th</sup> Congress have left the Subcommittee during the 111<sup>th</sup> Congress. They were replaced by four new Republicans. Departing the Subcommittee in the 111<sup>th</sup> Congress were Representatives Jim Walsh (R-NY), Ralph Regula (R-OH), John Peterson (R-PA), Dave Weldon (D-FL), and Mike Simpson (R-ID). New to the Subcommittee in the 111<sup>th</sup> Congress are Representatives Todd Tiahrt (R-KS), Rodney Alexander (R-LA), Jo Bonner (R-AL), and Tom Cole (R-OK).

- Commerce-Justice-Science. The Subcommittee on Commerce, Justice, Science, and Related Agencies has jurisdiction over funding for the Department of Justice, including the Executive Office for Immigration Review (EOIR), Office of Special Counsel (OSC), Office of Immigration Litigation (OIL), and Bureau of Prisons (BOP).

The Commerce-Justice-Science Subcommittee was chaired by Representative Alan B. Mollohan (D-WV) in the 110<sup>th</sup> Congress. He has returned as Chairman in the 111<sup>th</sup> Congress. The Ranking Minority Member on the Subcommittee during the 110<sup>th</sup> Congress was Representative Rodney Frelinghuysen (R-NJ). He has given up that position in the 111<sup>th</sup> Congress. The new Ranking Republican is Representative Frank Wolf (R-VA).

The Subcommittee ratio has been adjusted in the 111<sup>th</sup> Congress. During the 110<sup>th</sup> Congress, the ratio was 8-Democrats-to-5-Republicans. It is 8-4 in the 111<sup>th</sup> Congress.

On the Democratic side of the aisle, two Democrats who were on the Subcommittee during the 110<sup>th</sup> Congress are leaving it in the 111<sup>th</sup> Congress: Representatives Rosa DeLauro (D-CT) and David Price (D-NC). They are being replaced by Representatives Peter Visclosky (D-IN) and Jose Serrano (D-NY).

On the GOP side of the aisle, three Republicans who were on the Subcommittee during the 110<sup>th</sup> Congress have left it in the 111<sup>th</sup> Congress: Representatives Jim Rodney Frelinghuysen (R-NJ), Harold Rogers (R-MO), and Tom Latham (R-IA). They were replaced by two

Members: Representative Frank Wolf (R-VA) and Jo Bonner (R-AL).

**Subcommittee Rosters.** The charts that follow detail the membership of the four House Appropriations subcommittees with appropriating jurisdiction over the major federal immigration- and refugee-related agencies, functions, and activities. Members new to a subcommittee in the 111<sup>th</sup> Congress are denoted with a ~~stricken through line~~. New Members are marked with an asterisk (\*):

**House Appropriations Subcommittee on  
Homeland Security  
111<sup>th</sup> Congress**

Democrats (9)	Republicans (5)
Price (D-NC)	Rogers (R-KY)
Serrano (D-NY)	Carter (R-TX)
<del>Kilpatrick (D-MI)</del>	<del>Aderholt (R-AL)</del>
Rodriguez (D-TX)	<del>Granger (R-TX)</del>
*Ruppersberger (D-MD)	<del>Peterson (R-PA)</del>
*Mollahan (D-WV)	Culberson (R-TX)
Lowey (D-NY)	*Kirk (R-IL)
<del>Edwards (D-TX)</del>	*Calvert (R-CA)
Roybal-Allard (D-CA)	
Farr (D-CA)	
<del>Fatah (D-PA)</del>	
*Rothman (D-NJ)	

**House Appropriations Subcommittee on  
State, Foreign Operations, and Related Agencies  
111<sup>th</sup> Congress**

Democrats (8)	Republicans (4)
Lowey (D-NY)	*Granger (R-TX)
Jackson (D-IL)	<del>Wolf (R-VA)</del>
Schiff (D-CA)	<del>Knollenberg (R-MI)</del>
Israel (D-NY)	Kirk (R-IL)
Chandler (D-KY)	Crenshaw (R-FL)
Rothman (D-NJ)	<del>Weldon (R-FL)</del>
Lee (D-CA)	*Rehberg (R-MT)
McCollum (D-MN)	

**House Appropriations Subcommittee on  
 Labor, HHS, Education  
 111<sup>th</sup> Congress**

Democrats (11)	Republicans (5)
Obey (D-WI)	*Tiahrt (R-KS)
Lowey (D-NY)	<del>Walsh (R-NY)</del>
DeLauro (D-CT)	<del>Regula (R-OH)</del>
Jackson (D-IL)	<del>Peterson (R-PA)</del>
Kennedy (D-RI)	<del>Weldon (R-FL)</del>
Roybal-Allard (D-CA)	<del>Simpson (R-ID)</del>
Lee (D-CA)	Rehberg (R-MT)
<del>Udall (D-NM)</del>	*Alexander (R-LA)
Honda (D-CA)	*Bonner (R-AL)
McCollum (D-MN)	*Cole (R-OK)
Ryan (D-IL)	
*Moran (D-VA)	

**House Appropriations Subcommittee on  
 Commerce, Justice, Science  
 111<sup>th</sup> Congress**

Democrats (8)	Republicans (4)
Mollohan (D-WV)	*Wolf (R-VA)
Kennedy (D-RI)	<del>Frelinghuysen (R-NJ)</del>
Fattah (D-PA)	Culberson (R-TX)
Schiff (D-CA)	<del>Rogers (R-MO)</del>
Honda (D-CA)	<del>Latham (R-IA)</del>
Ruppersberger (D-MD)	Aderholt (R-AL)
<del>DeLauro (D-CT)</del>	*Bonner (R-AL)
<del>Price (D-NC)</del>	
*Visclosky (D-IN)	
*Serrano (D-NY)	

Senate

**Senate Judiciary Committee Gets Three New Democrats and Drops One Republican in the 111<sup>th</sup> Congress:** The roster of the Senate Committee on the Judiciary has undergone big changes in the 111<sup>th</sup> Congress. Two veteran Committee Democrats have left the Committee and three new Democrats have joined it. On the GOP side of the aisle, Republicans were forced to drop one of their number from the Committee. They decided to drop one of the most pro-immigrant and pro-refugee senators in their conference from the Committee.

**Jurisdiction Over Immigration and Refugee Matters.** The Senate Committee on the Judiciary has legislative jurisdiction over immigration, refugee, and visa matters. The Committee also has oversight jurisdiction over the immigration-related functions of –

- the Border and Transportation Security Directorate (BTS), U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP) components of the Department of Homeland Security;
- the Department of Justice;
- the Department of Health and Human Services; and
- the Department of Labor

**Committee Ratio.** As the 110<sup>th</sup> Congress drew to a close, there were 10 Democrats and 9 Republicans on the Senate Committee on the Judiciary. The Committee ratio in the 111<sup>th</sup> Congress will be 11-Democrats-to-8-Republicans.

Because of Democratic departures from the Committee, this will mean that Senate Democrats will have to add three new Democrats to the Committee and Republicans will have to drop one Republican from the Committee in the 111<sup>th</sup> Congress.

**Departing Committee Members.** Two Democrats and one Republican who were on the Committee in the 110<sup>th</sup> Congress have left it in the 111<sup>th</sup> Congress:

- Edward M. Kennedy (D-MA)
- Joseph R. Biden (D-DE)
- Sam Brownback (R-KS).

**New Committee Members.** Three Democrats who were not on the Committee during the 110<sup>th</sup> Congress have been added to the Committee in the 111<sup>th</sup> Congress. The three new members are:

- Ron Wyden (D-OR)
- Amy Klobuchar (D-MN)
- Edward E. Kaufman (D-DE)

**Subcommittee Structure and Leadership.** The Senate Judiciary Committee had seven subcommittees in the 110<sup>th</sup> Congress, one of which was the Subcommittee on Immigration, Refugees, and Border Security. At the time of this writing, there was no reliable word on what the Committee’s subcommittee structure will be like in the 111<sup>th</sup> Congress.

There has been much speculation that the impending departure of Senator Kennedy from the Judiciary Committee

could result in the elimination of its Immigration Subcommittee or its merger with another subcommittee. Most Committee and Democratic leadership insiders, however, have shot down any scenario that would eliminate the Subcommittee or merge it with another. That, then, leaves much of the speculation on who will chair the Subcommittee in the 111<sup>th</sup> Congress.

**Committee Roster.** The chart that follows lists what can be projected at the time of this writing about the membership of the Senate Judiciary Committee and the Senate Judiciary Subcommittee on Immigration, Refugees, and Border Security in the 111<sup>th</sup> Congress. Senators who have left the Committee in the 111<sup>th</sup> Congress are denoted with a ~~stricken-through line~~. New committee members are marked with an asterisk (\*):

**Senate Committee on the Judiciary  
111<sup>th</sup> Congress**

Democrats (11)	Republicans (8)
Leahy (D-VT)	Specter (R-PA)
<del>Kennedy (D-MA)</del>	Hatch (R-UT)
<del>Biden (D-DE)</del>	Grassley (R-IA)
Kohl (D-WI)	Kyl (R-AZ)
Feinstein (D-CA)	Sessions (R-AL)
Feingold (D-WI)	Graham (R-SC)
Schumer (D-NY)	Cornyn (R-TX)
Durbin (D-IL)	<del>Brownback (R-KS)</del>
Cardin (D-MD)	Coburn (R-OK)
Whitehouse (D-RI)	
*Klobuchar (D-MN)	
*Kaufman (D-DE)	
*Wyden (D-OR)	

**Senate Judiciary Immigration Subcommittee  
111<sup>th</sup> Congress**

Democrats (??)	Republicans (??)
<del>Kennedy (D-MA)</del>	Cornyn (R-TX)
<del>Biden (D-DE)</del>	Grassley (R-IA)
Feinstein (D-CA)	Kyl (R-AZ)
Schumer (D-NY)	Sessions (R-AL)
Durbin (D-IL)	

**Congress to have Four Appointed Senators at the Beginning of the 111<sup>th</sup> Congress:** There will be as few as 13 and as many as 14 freshmen senators in the 111<sup>th</sup>

Congress,<sup>77</sup> an unusually high number by recent standards.

Unfortunately, the immigration views of three of the Senate’s 14 freshmen are completely unknown. These three freshmen, Senators Michael F. Bennet (D-CO), Roland W. Burris (D-IL), and Edward “Ted” E. Kaufman (D-DE), were appointed by their respective governors. They had no public record on immigration prior to their appointments, and their views on immigration at the time of this writing are completely unknown.

Fortunately, however, for those who are interested in knowing the views of the new senators on immigration- and refugee-related matters, most of other 11 Senate freshmen have articulated enough about their positions on immigration to permit analysts and forecasters to make preliminary assessments about their likely positions on immigration legislation during the 111<sup>th</sup> Congress. Indeed, three of the Senate’s 111<sup>th</sup> Congress freshmen (Senators Kirsten E. Gillibrand (D-NY), Mark Udall (D-CO) and Tom Udall (D-NM)) previously served in the U.S. House of Representatives. As a result of that service, their views and records on immigration- and refugee-related legislation are well-known.

Beginning this week, and continuing for the next several weeks, the Weekly Legislative Update will profile the immigration records and positions of each of the Senate’s 14 freshmen. This week’s profiles are of the three Senate freshmen who previously served in the U.S. House of Representatives, Senators Gillibrand, Mark Udall, and Tom Udall.

- Senator Kirsten E. Gillibrand (D-NY). Senator Kirsten E. Gillibrand was appointed in January of 2009 to the Senate seat vacated by Senator Hillary Rodham Clinton (D-NY), who resigned from the Senate upon being confirmed as President Barack Obama’s secretary of state.



Senator Gillibrand is a relative newcomer to elective politics, having made her first bid for political office in 2006. She defeated a scandal-tinged incumbent Republican Representative John Sweeny (R-NY), in that bid, winning a seat in the U.S. House of Representatives by a margin of 53-47 percent.

<sup>77</sup> *At the time of this writing, the Minnesota Canvassing Board had certified Al Franken (D-MN) as the winner of the Senate race in Minnesota, declaring him the winner over Senator Norm Coleman (R-MN) by 225 votes. Former Senator Coleman is contesting the election, however. It will be four-to-six weeks before the outcome of the contest is known. If the Minnesota Court certifies Mr. Franken as the winner, he would be the 14<sup>th</sup> freshman senator in the 111<sup>th</sup> Congress.*

She was reelected to the House of Representatives in 2008 with more than 60 percent of the vote.

The state of New York is a solidly Democratic state on a national level, having supported the Democratic presidential candidate over the Republican candidate by huge margins over the last three presidential election cycles, and having elected Democratic senate candidates over their Republican counterparts by impressive margins during that time. However, Senator Gillibrand comes from a district that is very different, politically. The district that Senator Gillibrand represented in the House is located in the north Hudson Valley, encompassing Saratoga Springs and Glens Falls. While it narrowly supported President Barack Obama over Senator John McCain (D-AZ) in 2008, its history is that of a decidedly Republican district, having voted for President George W. Bush over Vice President Al Gore in 2000 by a margin of 52-44 percent, and for President Bush over Senator John Kerry (D-MA) in 2004 by a margin of 54-46 percent. At the time of this writing, it remains to be seen whether Senator Gillibrand's voting patterns in the Senate will reflect her new, more liberal statewide constituency or if it will reflect the more conservative constituency of her former House district.

Since she was first elected to the House in 2006, Senator Gillibrand has amassed one of the worse records of support for the pro-immigrant advocacy community's positions of all of her House Democratic colleagues. More specifically, she supported the positions of the pro-immigrant and pro-refugee communities on only 35.7 percent of the key contested immigration- or refugee-related votes that she cast during her time in the House.

Among the votes that Gillibrand cast against the positions of the pro-immigrant advocacy community during her first term in the House were votes that she cast to increase funding for 287(g) programs, impose a mandatory electronic employment verification system, increase funding for state compliance with the requirements of the REAL ID Act, bar mortgages to the undocumented, and bar federal funding for cities that have sanctuary policies.

On the positive side, then-Representative Gillibrand voted against amendments during the 110th Congress to prohibit the extension of previously granted designations of Temporary Protected Status. And while still in the House during the 111th Congress, she voted in favor of H.R. 2, legislation reauthorizing and expanding the State Children's Health Insurance Program (SCHIP). Included in the SCHIP bill that then-Representative Gillibrand voted for was a set of provisions that would make legal immigrant children and pregnant women eligible for Medicaid and SCHIP benefits without having to wait five years after entering the United States. The bill was severely criticized by the immigration

restrictionist community because of that set of provisions, as well as because it contained provisions easing Medicaid and SCHIP's citizenship documentation requirements. Immigration restrictionists opposed the first set of provisions because they believed they would give unwarranted benefits to immigrants. They opposed the latter provisions, as well, contending that easing the documentation requirements would result in many illegal immigrants unlawfully gaining access to federally-funded health benefits.

Senator Gillibrand's actions in support of the immigration restrictionist communities' positions while she was in the House of Representatives were not limited to her voting record. During the 110th Congress, she proposed an amendment to H.R. 3867, the Small Business Contracting Program Improvements Act, providing that any employer found, based on a determination by the Department of Homeland Security or the Attorney General, to have engaged in a pattern or practice of hiring, recruiting or referring for a fee, for employment in the United States an alien knowing the person is an unauthorized alien shall be subject to debarment from the receipt of future Federal contracts. The House adopted the amendment by a voice vote.

In addition to sponsoring anti-immigrant legislation while in the House, Senator Gillibrand added her name as a cosponsor to several bills that were opposed by the pro-immigrant advocacy community during her time in the House. The most prominent of these measures was H.R. 4088, the Shuler immigration enforcement bill from the 110th Congress that was popularly known as the SAVE Act and that has been so reviled by the pro-immigrant advocacy community. While she cosponsored the bill, she declined to sign a discharge petition that sought to force the bill out of committee and onto the House floor.

Senator Gillibrand cosponsored other legislation during her time in the House that was opposed by the pro-immigrant advocacy community. For instance, she cosponsored several bills during the 110th Congress to deny driver's licenses and state identification cards to undocumented aliens, and she supported several bills that would have established a mandatory electronic employment verification system.

During her first successful campaign for the House in 2006, Ms. Gillibrand expressed support for "The Secure Fence Act," which Congress passed and the President signed into law. That measure authorized the construction of nearly 700 miles of double-layered fencing along the United States border with Mexico. She was critical that the bill didn't go far enough, saying that "it should have additional measures for employer enforcement." At the same time, candidate Gillibrand expressed support during her 2006 campaign for broader

immigration enforcement measures. "I support protecting our borders, but our solution must include more measures to ensure employer enforcement with regards to illegal immigration, building a wall or a fence alone is simply not enough. In conjunction with solutions taken on the ground at our borders, we must enforce the employment laws that are currently being ignored by companies who profit from hiring illegal immigrants. The urgency of dealing with our borders should not be held hostage by election year legislation and this summer's field hearings; securing our borders must be a national security priority. Threats at our borders need serious solutions from Washington and we have yet to see John Sweeney and Congressional leadership take the lead on improving our border security."

Candidate Gillibrand criticized the Bush Administration's immigration enforcement policies during her 2006 House campaign as being too lax. She commented that, "[u]nder the Bush Administration, the number of illegal immigrants apprehended at our border is down 31%. This is not solely an immigration question; improving our border security is imperative in keeping America safe."

Ms. Gillibrand promised in 2006 that, if elected, she would improve points of entry security by: supporting amendments to enhance border security resources allowing for more Border Patrol and Immigration agents protecting our borders to catch illegal immigrants, human traffickers and drug smugglers; enforcing employment laws; opposing federal requirements mandating passports at Canadian border crossings.

- **Senator Mark Udall (D-CO).** Senator Mark Udall (D-CO) was first elected to the U.S. Senate in 2008, winning the seat formerly held by Senator Wayne Allard (R-CO), who retired at the end of the 110<sup>th</sup> Congress. Senator Udall's victory represented a turnover of the seat from Republican to Democratic, placing it the hands of a Democrat for the first time since 1979, when former Senator Floyd Haskel (D-CO) retired.



Senator Udall's predecessor, Senator Allard, almost always voted against the positions of the pro-immigrant advocacy community, supporting that community on key contested immigration- and refugee-related votes just 4 percent of the time. If his history is a guide, Senator-Elect Udall will be much more supportive of the pro-immigrant advocacy community's positions.

Prior to being elected to the U.S. Senate, Senator Udall served for ten years in the U.S. House of Representatives, where he amassed a record of voting in favor of the pro-immigrant advocacy community's position more often than not on key contested

immigration votes. Indeed, while in the U.S. House of Representatives, Senator Udall supported the positions of the pro-immigrant and pro-refugee advocacy communities in just under 74 percent of the key contested immigration- or refugee-related votes that he cast during his House career.

Senator Udall's House votes on immigration- and refugee-related matters includes votes during the 109<sup>th</sup> and 110<sup>th</sup> Congresses in favor of the pro-immigrant advocacy community on the REAL ID Act (which he voted against), on asylum (where he voted against making it more difficult to obtain asylum), on the building of a double-layered fence along the U.S. Border with Mexico (which he opposed), and on authorizing alternatives to detention for vulnerable aliens (which he supported).

But Senator Udall also opposed the positions of the pro-immigrant advocacy community during the 109<sup>th</sup> and 110<sup>th</sup> Congresses on several high profile issues. These include votes in favor of the Sensenbrenner immigration enforcement bill, which would have tightened border security, designated illegal migration as a criminal rather than a civil offense, increased penalties for a variety of immigration-related crimes, made assisting an illegal immigrant a felony, established a mandatory program under which all employers would have to verify employees' work eligibility with the federal government, and required the construction of security fencing, including lights and cameras, along certain ports of entry along the U.S.-Mexico border. It also includes a vote in favor of the CLEAR Act, a measure increasing state and local government authority to enforce civil immigration law, permitting the Administration to quash immigration litigation brought against it without regard to the merits of the cases, and requiring the Justice Department to hire more attorneys to prosecute human smuggling cases.

- **Senator Tom Udall (D-NM).** Senator Tom Udall (D-NM) was elected to the U.S. Senate in the 2008 elections to occupy the seat formerly held by Senator Pete Domenici (R-NM), who retired at the end of the 110<sup>th</sup> Congress. His victory represented a turnover in the seat from Republican to Democratic hands for the first time since 1972, when Senator Domenici was first elected.



Senator Udall's predecessor supported the positions of the pro-immigrant advocacy community about 40 percent of the time on key contested immigration- and refugee-related votes. If his history is a guide, Senator Udall will be much more supportive of the pro-immigrant advocacy community's positions.

Prior to his Senate election, Senator Udall served for ten years in the U.S. House of Representatives, where he

voted in favor of the pro-immigrant advocacy community's position almost all of the time on key contested immigration votes. Indeed, in 41 key contested immigration- or refugee-related votes that Senator Udall cast while a member of the House, he only voted against the position of the pro-immigrant or pro-refugee advocacy community once. In that one vote, then-Representative Udall voted during the 109<sup>th</sup> Congress in favor of a Goodlatte (R-VA) amendment to H.R. 4437, the infamous Sensenbrenner "Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005," that would have eliminate the diversity visa program.

While Senator Udall was unwavering in his support for the pro-immigrant and pro-refugee advocacy community in his votes, he was not an activist on immigration when it came to sponsoring or cosponsoring legislation. He declined to cosponsor any of the marquee pro-immigrant legislation that was introduced during the 109<sup>th</sup> and 110<sup>th</sup> Congress, including such measures as the DREAM Act, AgJOBS, the STRIVE Act, and the Unaccompanied Alien Child Protection Act.

## ***Executive Branch Transition***

The executive branch will be in a state of transition during the next several months as it prepares for the exit of the Bush Administration and the entrance of the new administration of President-Elect Barack H. Obama. The change in political control of the White House from Republican-to-Democratic and the very bitter and partisan tone that has engulfed Washington over the last several years could well mean that this transition will be more sweeping than other recent ones. Indications are that virtually all of the more than 5,000 politically appointed positions available to an Administration will be turned over as the Obama forces take power.

Beginning next week, this section of the Weekly Immigration and Refugee Legislative Update will be devoted to chronicling the impact that the actions and decisions of the incoming Obama Administration in organizing the executive branch will have on the course of immigration- and refugee-related legislation, as well as examining the impact that those actions and decisions may have on Congressional oversight of the executive branch's immigration- and refugee-related functions.

This section will continue in this publication until President-Elect Obama has made all of his major immigration- and refugee-related appointments.

## ***Last Week's Legislative Activity***

### **Last Week's Hearings**

There were no hearings last week at which significant immigration- or refugee-related matters were discussed.

### **Last Week's Markups**

Three committees held markups last week at which they considered legislation with immigration- or refugee-related provisions or nominees to head agencies that have jurisdiction over significant immigration- or refugee-related functions:

- **Legislation:** Two committees marked up legislation containing significant immigration- or refugee-related provisions:
  1. **E-Verify Program.** The House Committee on Appropriations marked up its portion of the economic stimulus bill, including within it controversial provisions relating to the E-Verify program and provisions funding border security operations.
  2. **Economic Recovery and Stimulus Bill.** The House Committee on Ways and Means marked up its portion of the economic stimulus bill, including within it a provision related to illegal immigrants' eligibility for tax relief.
- **Committee Organizing Meetings.** The following committees with jurisdiction over immigration- or refugee-related legislation and agencies held organizing meetings last week:
  3. **House Judiciary Committee.** The House Committee on the Judiciary organized for the 111<sup>th</sup> Congress.
  4. **House Appropriations Committee.** The House Committee on Appropriations organized for the 111<sup>th</sup> Congress.

### **House Appropriations Marks Up Economic Stimulus Bill Containing Additional Homeland Security Appropriations:**

The House Committee on Appropriations last week approved its portion of the economic recovery stimulus bill, including within it a controversial proposal that would mandate that all entities contracting with the federal government using funds in the Act to use the E-Verify program to verify the employment eligibility of its employees. Last week's markup occurred on Wednesday, January 21, 2009. The Committee approved the measure by a vote of 35-22.

**Summary of Immigration- and Refugee-Related Provisions.** As approved by the Committee, the measure contains the following immigration- or refugee-related provisions:

- Mandatory Use of the E-Verify Program.—Section 1114 of the bill provides that none of the funds made available by the Act may be used to enter into a contract with an entity that does not participate in the E-Verify program.
- Bar Loan Guarantees if Small Businesses Owned, in Part, by Illegal Aliens. Section 6201(f) of the measure would bar small business loan guarantees under the Act to concerns if an illegal immigrant has an ownership interest in the concern or if the Secretary of Homeland Security or Attorney General of the United States have determined that concern has engaged in a pattern and practice of hiring, recruiting, or referring for a fee, for employment in the United States an alien knowing the person is an unauthorized alien.
- Bar Small Business Loans to Firms Hiring Illegal Aliens. Section 6204(g) of the measure would bar small business concerns from receiving refinancing assistance under the Act if an illegal immigrant has an ownership interest in the concern or if the Secretary of Homeland Security or Attorney General of the United States have determined that concern has engaged in a pattern and practice of hiring, recruiting, or referring for a fee, for employment in the United States an alien knowing the person is an unauthorized alien.
- Provisions Relating to the E-Verify Program. Title VII of the measure contains a number of provisions relating to the E-Verify Program—
  5. Extension of the E-Verify Program. Section 7001 of the measure would extend the E-Verify Program for five years, through 2016.
  6. Funding for the Social Security Administration’s E-Verify Duties. Section 7002 of the measure would require the Department of Homeland Security to enter into an agreement with the Social Security Administration (SSA) to provide funding to SSA to compensate it for costs associated with its participation in the E-Verify Program.
  7. GAO Study of the Erroneous Nonconfirmations Under the E-Verify Program. Section 7003 of the measure would require the Government Accountability Office (GAO) to conduct a study of the erroneous tentative nonconfirmations under the E-Verify Program.
  8. GAO Study of Effects of the E-Verify Program on Small Entities. Section 7004 of the measure would

require to report on its analysis of the impact of the E-Verify Program on small entities.

- Non-Intrusive Detection Technology. Title VII of the measure contains language that would appropriate \$100 MILLION for salaries and expenses for “non-intrusive detection technology to be deployed at sea ports of entry.
- Construction of Inspection Facilities. Title VII of the measure contains language that would appropriate \$150 MILLION for Construction to repair and construct inspection facilities at land border ports of entry.
- Border Facilities and Land Ports of Entry. Title VI of the measure contains language that would appropriate \$1 BILLION to be used for the construction, repair, and alteration of border facilities and land ports of entry.

**Debate in Committee.** The E-Verify provisions in Section 1114 and Sections 7001 through 7004 were not in the draft bill that was put before the Committee. They were added by amendments that were offered by Representatives Jack Kingston (R-GA) and Ken Calvert (R-CA). The Committee agreed to the amendments without objection, even though both Members went on to vote against approving the bill.

In a press release issued after the markup, Representative Kingston, who offered the amendment requiring all contractors under the Act to use the E-Verify program, said, “[w]hile I cannot support this package, I am heartened that any jobs created by it will be secured for American workers.” “We cannot allow for illegal aliens to benefit from this deficit spending. The American taxpayer will one day be forced to pay it back so it should be them that benefit,” he continued.<sup>78</sup>

Representative Calvert, who offered the amendment to extend the E-Verify, issued a press release after the markup, in which he said, “[i]f the stimulus package creates millions of jobs, which the Majority party is claiming, I want to be absolutely sure that those jobs are going to American workers or legal residents, not illegal aliens.” He went on to state that, “[w]hile I am opposed to the stimulus package as a whole, I felt it was necessary to improve the legislation in the limited ways allowed by the Majority Party. Extending the authorization for E-Verify ensures that employers will continue to have the only tool available to them to check the work authorization status of new employees.”<sup>79</sup>

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<sup>78</sup> [Click Here](#) to see the full text of the press release issued by Representative Jack Kingston (R-GA) upon the House Appropriations Committee’s adoption of his E-Verify Contractor amendment

<sup>79</sup> [Click Here](#) to see the full text of the press release issued by Representative Ken Calvert (R-CA) upon the House Appropriations Committee’s adoption of his E-Verify Extension amendment

**Next Steps.** The House Democratic Leadership has combined the provisions that the House Committee on Appropriations approved last week with several measures approved last week by several other committees. The Leadership plans to introduce the resulting package as H.R. 1 on Monday, January 26, 2009. The House Committee on Rules is expected to markup a rule providing for floor consideration of H.R. 1 on Tuesday, January 27, 2009, and the full House is expected to take up H.R. 1 on Wednesday, January 28, 2009.

**House Ways and Means Committee Adds Immigration Status Verification Provision to Economic Stimulus Bill:** The House Committee on Ways and Means last week approved an amendment to the economic recovery package requiring recipients of the bill's tax credits to undergo immigration status verification before they can receive tax credits under the measure. Last week's committee action occurred on Thursday, January 22, 2009, in connection with H.R. 598, a measure that later was folded into H.R. 1, the "Economic Recovery and Reinvestment Act of 2009."

The amendment was offered to the House Ways and Means Committee tax package by Representative John Yarmuth (D-KY). The Committee approved the amendment by unanimous consent.

**House Judiciary Committee Holds 111<sup>th</sup> Congress Organizing Meeting:** The House Committee on the Judiciary last week held its organizing meeting for the 111<sup>th</sup> Congress. Last week's meeting occurred on Wednesday, January 22, 2009.

See pages 103-107 of this week's Weekly Legislative Update for a review and analysis of the impact that the decisions made at last week's House Judiciary Committee organizing meeting will have on the Committee's consideration of immigration- and refugee-related legislation.

**House Appropriations Committee Holds 111<sup>th</sup> Congress Organizing Meeting:** The House Committee on the Appropriations last week held its organizing meeting for the 111<sup>th</sup> Congress. Last week's meeting occurred on Wednesday, January 22, 2009.

See pages 107-113 of this week's Weekly Legislative Update for a review and analysis of the impact that the decisions made at last week's House Appropriations Committee organizing meeting will have on the Committee's consideration of immigration- and refugee-related legislation.

**Senate Committee Approves Obama Nominee for Secretary of Health and Human Services:** The Senate Committee on Health, Education, Labor, and Pensions has scheduled a markup for this week, at which it is expected

to take up the nomination of former Senate Majority Leader Tom Daschle (D-SD) to be Secretary of Health and Human Services. This week's markup is scheduled for 10:00 am on Wednesday, January 21, 2009, in Room SD-430 of the Dirksen Senate Office Building.

**Outlook.** The nomination of Secretary-Designate Daschle has not generated any controversy. It appears likely that the Committee will report the nomination favorably to the full Senate.

### Last Week's Floor Activity

Congress took two floor actions last week impacting immigration or refugees. This included the following actions:

- **Legislation:** No House or Senate floor actions occurred last week on legislation containing significant immigration- or refugee-related provisions.
- **Cabinet Nominations:** The full Senate approved two of President Barack Obama's four nominations to head departments that have significant immigration- or refugee-related functions:
  1. **Secretary of State.** The full Senate this week could take up the nomination of Senator Hillary Rodham Clinton (D-NY) to be Secretary of State.
  2. **Secretary of Homeland Security.** The full Senate this week could take up the nomination of Governor Janet Napolitano (D-AZ) to be Secretary of Homeland Security.

**Full Senate Confirms Nominees to Head Several Departments with Immigration- and Refugee-Related Functions:** The Senate last week confirmed two of President Barack Obama's four nominees to head cabinet departments that have jurisdiction over the nation's immigration- and refugee-related programs, functions, and activities.

The Senate confirmed Janet Napolitano to be Secretary of Homeland Security on January 20, 2009, by a voice vote. It confirmed Hillary Rodham Clinton to be Secretary of State one day later, approving her nomination by a vote of a vote of 94-2.<sup>80</sup>

Last week's action leaves two of President Obama's nominees to head departments with jurisdiction over significant immigration- and refugee-related programs, functions, and activities left to be confirmed by the Senate: Attorney General-Designate Eric Holder and Secretary of Health and Human Services-Designate Tom Daschle. The

<sup>80</sup> [Senate Roll Call No. 6, January 21, 2009](#)

Senate could take up the nomination of Attorney General-Designate Holder as soon as this week.

## *Last Week's Executive Activity*

### Outgoing Bush Administration

**Bush Commutes Sentences of Convicted Border Patrol Officers:** In one of his last immigration-related actions, outgoing President George W. Bush last week commuted the sentences of two Border Patrol officers who were convicted in connection with the shooting of an unarmed Mexican drug dealer who they encountered along the United States border with Mexico.

President Bush's actions occurred on Monday, January 19, 2009, one day before his presidency came to an end. He commuted the sentences of Jose Alonso Compean and Ignacio "Nacho" Ramos. The Administration had come under sustained pressure from Republican lawmakers to pardon the two Border Patrol officers. Rather than pardoning them, an act that would have wiped away their convictions, he chose to grant them clemency, which means they will be released from prison but their convictions will stand.

Compean and Ramos were convicted of shooting admitted drug smuggler Osvaldo Aldrete Davila in the back as he fled a van loaded with marijuana in 2005. The two former Border Patrol officers testified at their trial that they thought the "victim" was armed and that they had shot him in self-defense. But the prosecution maintained that there was no evidence linking Davila to the van, that the agents had not reported the shooting and that they tossed their shotgun casings into the Rio Grande to hide the evidence.

The agents were found guilty of assault with a dangerous weapon, violating Aldrete Davila's civil rights and defacing a crime scene.

President Bush issued the commutations without input from the Department of Justice.

### Incoming Obama Administration

**Obama Administration Action Could Temporarily Halt Implementation of E-Verify Contractor Rule:** Just hours after President Barack Obama was sworn into office, Rahm Emanuel, his chief of staff, issued a memorandum that could have the effect of staying a regulation issued by President George W. Bush mandating that most federal contractors and subcontractors use the E-Verify system<sup>81</sup> to verify the employment

<sup>81</sup> Formerly known as the Basic Pilot/Employment Eligibility Verification Program, the E-Verify system is an internet-based system operated by the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) in partnership with the Social Security

eligibility of their employees. The memorandum was issued by White House Chief of Staff Emanuel on January 20, 2009 and directed to the heads of all executive branch departments and agencies.<sup>82</sup>

The Emanuel memorandum requests that all rules that were about to be published in the Federal Register be withdrawn pending a review by the Obama Administration, requests that any rules that were about to be sent to the Federal Register be stopped pending such a review, and that regulations that have been published but that are not yet effective be considered for a 60 day extension so that the Administration can review them. The E-Verify contractor rule falls in the latter category of rules and regulations.

**Background.** On November 14, 2008, the Bush Administration published a rule in the Federal Register requiring certain federal contractors and subcontractors to use the E-Verify system administered by the Department of Homeland Security and U.S. Citizenship and Immigration Services as the means of verifying that certain of their employees are eligible to work in the United States.<sup>83</sup> As published on November 14, 2008, the rule was set to go into effect on January 15, 2009. However, on January 9, 2009, the Bush Administration agreed to suspend the implementation of the E-Verify Federal Contractor Rule until February 20, 2009, one month after the Obama Administration was to assume office. The Administration announced the suspension days after the U.S. Chamber of Commerce, along with other business groups, filed a lawsuit challenging the legality of this law.

**Napolitano Issues Directive on Northern Border Security Strategy:** Newly confirmed Secretary of Homeland Security Janet Napolitano last week issued an "action directive" on the Department's northern border strategy. The directive instructed the Department to gather

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*Administration (SSA). Based on the information provided by the employee on his or her Form I-9, E-Verify checks this information electronically against records contained in DHS and Social Security Administration (SSA) databases. It is intended to enable participating employers to electronically verify the employment eligibility of new hires. At present, the use of E-Verify is voluntary for the most part and applies only to new hires. However, the State of Arizona has made it mandatory for employers in its state.*

<sup>82</sup> [Click Here](#) to see the January 20, 2009, memorandum from White House Chief of Staff Rahm Emanuel to the head of all executive branch departments and agencies on regulatory review

<sup>83</sup> [Click Here](#) to see rule on E-Verify and federal contractors that was published in the November 14, 2008, edition of the Federal Register. [Click Here](#) to see a question-and-answer document prepared by the Department of Homeland Security on the E-Verify rule.

information, review existing strategies and programs, and to provide oral and written reports back to the Secretary by mid February.

In issuing the January 23, 2009, Directive, Secretary Napolitano said, “[t]his continuing evaluation will unify our shared efforts and help me assess where improvements need to be made.

More specifically, the Secretary’s directive said that “the northern border of the United States has become, since 9/11, important to our national security. As we have designed programs to afford greater protection against unlawful entry, members of Congress and homeland security experts have called for increased attention to the Canadian border.” It posed a number of questions to DHS officials, including, “What are the current vulnerabilities, the overall strategy for reducing those vulnerabilities, the requirements, the programs, the budget, and the timeframe for improving security along this border and what level of risk will remain once the programs are completed?”

The Secretary requested an oral report from DHS officials by February 10, 2009, and a written report by Feb. 17, 2009.

## ***Recently Introduced Legislation***

No bills containing significant immigration- or refugee-related provisions were introduced last week in either the House or Senate.

## ***Bills in Development***

Next week’s and future Weekly Immigration and refugee Legislative Updates will include a brief listing of several immigration- or refugee-related bills that are currently under development and that could soon be introduced in the Senate or House of Representatives. In each week’s listing, items that were added since the previous edition of the Weekly Legislative Update or items which have substantially changed since the previous Weekly Immigration and Refugee Legislative Update was issued will be marked with a double asterisk (\*\*).

## ***Over the Horizon ...***

### **Bicameral**

#### **Resolution of Fiscal Year 2009 Refugee-Related Appropriations Set for Early- to Mid-February:**

House and Senate Democratic Leaders have set a goal for completion of the fiscal year 2009 appropriations bills by

February 13, 2009, the date on which Congress is scheduled to begin its week-long President’s Day recess.

When the 110<sup>th</sup> Congress adjourned in December, 2008, it left most of its fiscal year 2009 appropriations work undone, including the appropriations bills that fund the operation of federal government’s refugee admissions, overseas refugee assistance, and refugee resettlement programs. Those programs are being funded in a continuing appropriations resolution, which is set to expire on March 6, 2009.

House Appropriations Committee Chairman David Obey (D-WI) has indicated that the process will formally begin during the week of February 2, 2009.

Insiders say that House and Senate Appropriations Committee Members and Leadership have come to an agreement on more than 90 percent of the issues in the bill.

#### **President Obama’s February Budget Submission to be Skeletal:**

President-Elect Barack H. Obama has indicated that he intends to follow tradition by submitting a skeletal budget sometime in mid-to-late February and that he will submit a more fleshed out budget to Congress sometime in April.

Current law requires that the President submit his budget for the following fiscal year to Congress by no later than the first Monday of February, which this year falls on February 5, 2009. However, it is traditional that the new President does not submit a budget until sometime later and that the budget he submits is skeletal, rather than a full one.

President Obama’s submission, which his Office and Management and Budget Director, Peter Orszag, is calling a “Budget and Economic Overview”, is expected to contain some suggested program eliminations. Its submission will be preceded by a “fiscal responsibility summit” that the President intends to hold between key budget players in the Administration and in Congress, as well as “a host of outside groups with expertise on the topics.” The release of the President’s skeletal budget will kick off a budget/authorization/appropriations cycle that promises to be particularly difficult, given the record-high deficits the country is facing.

#### **Work on the Extension of Four Immigration Programs to Be Among First Items the New Congress Tackles:**

When Congress completed work last year on the fiscal year 2009 continuing appropriations resolution, it included within it a temporary extension of three expiring immigration programs. The programs are the Conrad 30 program for foreign-born doctors, the E-Verify employment verification program, and a program relating to the EB-5 Investor visa program. The continuing appropriations resolution extended these three programs through March 6, 2009, the length of the continuing appropriations. Congress subsequent extended through

March 6, 2009, another expiring immigration program, the special immigrant non-minister religious worker visa program. All four of these programs will face either extinction or extension in the 111<sup>th</sup> Congress, and Congress is expected to work to extend them as one of the first substantive immigration debate of the new Congress.

### *Next Week's Edition ...*

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

- Preview of the Likely Immigration and Refugee Legislative Agenda for the 111<sup>th</sup> Congress. Next week's Weekly Legislative Update will preview the likely immigration and refugee legislative agenda that Congress will face during the 111<sup>th</sup> Congress.
- Expansion of Immigrant Children's Access to Health Insurance. Next week's Weekly Legislative Update will report on actions taken this week in the full Senate relating to reauthorization of the SCHIP program and efforts to expand immigrant children's access to the program.
- Immigration Provisions in the Economic Stimulus Bill. Next week's Weekly Legislative Update will report on actions taken on the House floor, in Senate Committees, and on the Senate Floor, if applicable, relating to immigration provisions in the economic stimulus bill.
- Refugee- and Immigration-Related Provisions in the Fiscal Year 2009 Omnibus Appropriations Bill. Next week's Weekly Legislative Update will preview the refugee- and immigration-related provisions expected to be contained in the fiscal year 2009 omnibus appropriations bill, which the House is expected to begin moving through the Congress next week.
- Organization of the 111<sup>th</sup> Congress. Next week's Weekly Legislative Update will continue coverage of efforts that are underway to organize the House of Representatives and Senate for the 111th Congress and analyzing how those efforts, decisions, and actions might impact the course of immigration- and refugee-related legislation.
- Confirmation of Cabinet Nominees. Next week's Weekly Legislative Update will report on the confirmation hearings, markups, and floor votes that occur in relation to President-Elect Obama's nominees to head departments and agencies that operate the nation's immigration- and refugee-related functions.

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*Appendix*

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No items this week

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