

The New York Times

A FOCUS ON BORDER SECURITY AND TEMPORARY VISAS AS SENATORS RETURN TO IMMIGRATION

By Ashley Parker
May 14, 2013

The Senate Judiciary Committee continued to plow through amendments to an immigration overhaul bill on Tuesday, revisiting border security provisions before moving on to measures related to temporary guest worker programs.

Here is a look at some of the more interesting and important amendments offered, and how they fared in committee:

SESSIONS 4, Requiring the use of a biometric entry and exit data system at ports of entry — Failed 6-12

Senator Jeff Sessions, Republican of Alabama, offered an amendment that would have required the implementation of a biometric entry and exit system before anyone could apply for legal status.

"The reason is very simple — at most seaports and airports, you clock in with a system, but it's biographic, which is easily forgeable and not secure," Mr. Sessions said. "This is one reason the American people have so little confidence in the promises we make."

Democrats on the committee agreed with Mr. Sessions in broad theory — that a biometric identification system would be effective — but said that the logistics and cost concerns were prohibitive and that tying the legal status of undocumented workers to getting such a system up and running could delay that status indefinitely.

"We would all concede that the biometric approach is a more sophisticated and perhaps a better approach," said Senator Richard J. Durbin, Democrat of Illinois and a member of the bipartisan group that drafted the legislation. But, he said, Mr. Sessions's measure was "not attainable, not affordable."

The two Republican members of the bipartisan group who serve on the committee — Senators Jeff Flake of Arizona and Lindsey Graham of South Carolina — joined with their Democratic colleagues to defeat the amendment.

SESSIONS 1, Limiting the number of nonimmigrant aliens who can work in the United States — Failed 1-17

Mr. Sessions also offered an amendment that would have restricted the future flow of legal immigrants, effectively limiting the number of immigrants and foreign workers to 33 million over a 10-year period and the total number of green cards to 1.2 million a year.

The measure failed, 1 to 17, with only Mr. Sessions voting for his amendment.

GRASSLEY 58, Requiring additional information in Internet job postings for H-1B eligible jobs — Passed by voice vote

Senator Charles E. Grassley of Iowa, the ranking Republican on the committee, introduced an amendment that would require employers to post additional information about open positions online before filling a slot with a worker hired on an H-1B visa — a visa reserved for high-skilled workers. The measure passed with a voice vote.

HATCH 9, Increase the labor certification fee for an employment-based visa — Passed by voice vote

Senator Orrin Hatch, Republican of Utah, offered an amendment that would increase the labor certification fee for an employment-based visa to \$1,000 from \$500, and put that money in a new fund that would go toward education in the STEM — science, technology, engineering and math — fields.

“This bipartisan amendment makes sense,” Mr. Hatch said. “It addresses the long-term need to invest in American STEM education.”

Mr. Hatch is considered a Republican who could be persuaded to vote yes on the legislation, provided the committee votes for some of his high-tech provisions, and this amendment passed with a voice vote.

Senator Charles E. Schumer, Democrat of New York, hailed the bipartisan spirit of Tuesday’s markup in an e-mailed statement that referred to Mr. Hatch’s and Mr. Grassley’s amendments.

“These bipartisan amendments are good-faith improvements to the bill,” Mr. Schumer said. “This is as open a process as any I’ve seen since entering the Senate, and it is making for a better bill.”

The bipartisanship did not continue into the afternoon, after a long break for the senators to attend their weekly lunches.

GRASSLEY 67, Requiring additional audits of at least 1 percent of companies that employ workers with H-1B visas — Failed 2-15

Mr. Grassley offered an amendment that would have required additional audits of at least 1 percent of companies that employ workers with H-1B visas. The measure failed, 2 to 15, with only Mr. Grassley and Mr. Sessions voting in favor of it.

CRUZ 5, Increasing the cap on H-1B visas — Failed 4-14

Senator Ted Cruz, Republican of Texas, offered an amendment that would have drastically increased the cap on H-1B visas, to 325,000 from 65,000 a year, using a market-based calculation. Many Democrats on the committee worried that Mr. Cruz was favoring high-skilled immigrants at the expense of low-skilled, lower-wage workers.

The amendment failed, 4 to 14.

GRASSLEY 60, Requiring employers to make “good-faith efforts” to recruit a U.S. citizen — Failed 2-15

Mr. Grassley offered another amendment that would have required employers to make "good-faith efforts" to recruit a United States citizen before filling a job opening with a worker on an H-1B visa.

The provision was defeated 2 to 15, with Mr. Schumer worrying that it would be hard to provide a reasonable metric for what constitutes "good faith." If an employer interviewed seven citizens, he said, offering a hypothetical, someone could argue that the employer should have interviewed 14 citizens.

But many of the committee members who voted no, including Senator Sheldon Whitehouse, Democrat of Rhode Island, said that the provision made sense and that they would be willing to "work with Mr. Grassley" to improve the amendment and perhaps offer it again on the Senate floor.

Mr. Whitehouse, for instance, voted "No, asterisk."