



## EDWARD M. KENNEDY ORAL HISTORY PROJECT

### **Interviewer's Briefing Materials** **David Sutphen Interview, 03/29/2007**

Robert A. Martin, Research Director

#### **Miller Center Documents<sup>1</sup>**

- David Sutphen Fact Sheet.
- EMK Immigration Timeline: 1998-2002.

#### **Secondary Source Materials**

- *2001 Congressional Staff Directory* (Mount Vernon, VA: Congressional Staff Directory, 2001) p. 178.
- *2000 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 2001) pp. 2-33 through 2-39; 15-3 through 15-15.
- *2001 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 2002) pp. 2-9 through 2-12.
- Diana Jean Schemo, "A Nation Challenged: Immigration; Senate Bill would Stiffen Some Controls over Visas," *The New York Times*, 12/06/2001.
- *2002 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 2003) pp. 13-7 through 13-9.

---

<sup>1</sup> These are original documents created by Miller Center researchers for the Edward M. Kennedy Oral History Project. Please acknowledge credit for any use of these materials.

## **EMK CIVIL RIGHTS STAFFER FACT SHEETS**

*Prepared by Rob Martin*

*Miller Center, University of Virginia, 3/05/2007*

---

### **David Sutphen (1999-2002)**

*Positions w/ EMK:*

- General counsel to EMK on the Judiciary's Subcommittee on Immigration (EMK takes chairmanship of Immigration Subcommittee in 2001)

*Other positions:*

- Chief of staff to Rep. Harold Ford (D-TN)
- VP and legislative counsel for Record Industry Association of America
- VP of Government Affairs and legislative counsel for Viacom

*Issues that came up during this time:*

- 1997/1999 Ronnie White nominated/re-nominated to federal district court
- 1998 Clinton impeachment.
- 2000 Religious Liberty Protection Act/Religious Land Use and Institutionalized Persons Act
- 2000 H-1B Visa bill (which increased the number of non-immigrant visas available for highly skilled workers)
- 2000/2001 Latino and Immigration Fairness amendments to the Commerce-Justice-State (CJS) appropriations bill
- 2001 Ashcroft nomination as Attorney General
- 2001 No Child Left Behind legislation.
- Post-9/11 immigration and border security legislation

## EMK IMMIGRATION LEGISLATION TIMELINE

Prepared by James McGill Patterson

Miller Center, University of Virginia, 12/04/2006

---

### 1998

- April* Abraham proposes legislation expanding the number of H-1B temporary visas for high-tech industry workers. The visas would last six years. EMK and Feinstein oppose the bill, wanting to reduce the length of the visa to three years, add a \$250 application fee, and ban employers using H-1B employees from laying off workers. EMK and Feinstein lose 8-10 in committee. Feinstein moves to support the bill, while EMK remains opposed. (*1998 Congressional Quarterly Almanac*, pp. 17-3 to 17-4)
- May* The Senate passes the H-1B bill with a vote of 78–20. (*1998 Congressional Quarterly Almanac*, p. 17-5)
- June* The House fights similar battles over the USDA bill with the same outcome as in the Senate. The conference report passes both Houses, and Clinton signs it into law. (*1998 Congressional Quarterly Almanac*, pp. 4-4, 4-9)
- August* After Clinton threatens to veto the H-1B legislation, the House delays a vote on its version. (*1998 Congressional Quarterly Almanac*, pp. 17-7)
- September* The House passes its version, which contains provisions prohibiting employers with H-1B employees from laying off workers and requiring that the employers hire U.S. applicants over H-1B applicants. (*1998 Congressional Quarterly Almanac*, pp. 17-7 to 17-8)
- October* Senator Tom Harkin (D-IA) blocks consideration of the House version of the H-1B bill in the Senate. Abraham believes the bill to be dead. A coalition of congressional Republicans and Democrats, along with the Clinton White House, return to a House version containing stronger prohibitions on companies dependent on H-1B employees. Companies with H-1B employees would suffer significant financial penalties for laying off workers and are required to pay a \$500 fee for H-1B visa applications and renewals, with the money raised to fund scholarships for low-income college students studying technology-oriented majors. The number of H-1B visas distributed would increase from 65,000 to 115,000 until 2000, when it would drop to 107,500. In 2001, the number would drop back to 65,000. The bill is attached to the omnibus spending bill and passes both Houses. Clinton signs the bill at the end of the month. (*1998 Congressional Quarterly Almanac*, pp. 17-3, 17-7 to 17-9)

## 2000

- March* In the Judiciary Committee, Senator Orrin Hatch (R-UT) proposes a bill to increase the number of H-1B visas to 195,000 until 2003 to alleviate labor shortages in the technology industry. EMK attempts to amend the bill to lower the number of H-1B visas to 145,000 until 2002. EMK also proposes to increase the \$500 fee companies pay when hiring a H-1B employee to a minimum of \$1000 with a maximum of \$3000, depending on the size of the company, with revenue continuing to fund educating low-income college students studying technology-oriented fields. The amendment fails to pass with a vote of 8-10. Hatch's bill easily passes out of the committee. (*2000 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly Inc., 2001, p. 15-6)
- September* Democrats stall passage of the H-1B visa increase with demands that the bill be amended to include an amnesty program, permission for those awaiting residency status to remain in the U.S., and make it easier for certain groups to become permanent residents. The Senate votes 97-1 to proceed to the bill. In the last week of September, Republicans succeed in avoiding consideration of the amendments. (*2000 Congressional Quarterly Almanac*, p. 15-9)
- After the immigration provisions fail to make it onto S 2045, Democrats in the Senate try to amend them on the Commerce-Justice-State (CJS) appropriations bill. The Democrats propose three amendments together called the Latino and Immigrant Fairness Act. Of the three, the Senate Appropriations Committee accepts one by restoring the 245(i) program permitting illegal immigrants awaiting a change of status to permanent resident to remain in the U.S. The other two amendments require an amnesty program for illegal immigrants in the country since 1986 and ease entrance of Central Americans, Liberians, and Eastern Europeans. (*2000 Congressional Quarterly Almanac*, pp. 2-33, 2-35)
- October* The Senate passes Hatch's H-1B bill without other immigration amendments 96-1. The House quickly follows, and Clinton signs the bill into law on the 17<sup>th</sup>. (*2000 Congressional Quarterly Almanac*, pp. 15-3, 15-12 to 15-13)
- Clinton threatens to veto the CJS appropriations bill if the amnesty program and ease of restrictions are not included to the bill sent to his desk. (*2000 Congressional Quarterly Almanac*, p. 2-35)
- November* Clinton, Hatch, and other key figures in the immigration lobby negotiate amnesty and ease of entrance amendments to the CJS appropriations bill. Most critical to the negotiations is how much to reduce the scope of amnesty. (*2000 Congressional Quarterly Almanac*, pp. 2-36 to 2-37)
- December* In the final version of the CJS appropriations bill, spouses and children of permanent legal residents can obtain temporary visas until they become legal residents themselves. Illegal aliens not provided amnesty under the 1986 bill can

join two class-action lawsuits suing for permanent residency. Finally, the bill reinstates the 245(i) program to allow those overstaying their visas to stay in the country while their permanent residency applications are processed; however, the program is extended only for four months, thus requiring applicants who qualify to apply within that timeframe. (*2000 Congressional Quarterly Almanac*, p. 2-39)

## 2001

*July* The Senate Appropriations Committee considers the CJS Appropriations bill. Part of the bill is a permanent extension of the 241(i) program, which permitted immigrants to remain in the U.S. while waiting for residency status. The bill passes committee and the Senate floor. (*2001 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly Inc., 2002, pp. 2-9 to 2-12)

*September* Mexican President Vincente Fox meets with President George W. Bush. During a press conference, Fox calls for Bush to press for legislation creating fairer conditions for undocumented workers. Aides to Bush indicate that the president is interested in expanded border control, increased guest worker programs, and amnesty for selected workers. (*The New York Times*, 09/06/2001)

Permanent extension of the 241(i) program is removed from the CJS Appropriations bill as part of conference negotiations in favor of the House version's four month temporary extension. (*2001 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly Inc., 2002, p. 2-12)

*November* The Senate Judiciary Committee holds hearings with Attorney General John Ashcroft about the detention of hundreds of people on immigration charges. The people arrested are apparently linked to the investigation of terrorism after September 11<sup>th</sup>, although Ashcroft has not made public the details. (*The New York Times*, 11/28/2001)

*December* EMK, Feinstein, and Kyl propose immigration reform in response to the terrorist attacks on September 11<sup>th</sup>. The bill would require the INS to notify the government when recipients of student visas enter the U.S., and require colleges to verify that the recipients do in fact attend classes. Nonimmigrant visa applicants from the seven nations deemed sponsors of terrorism would undergo examination of whether they are a threat to national security prior to approval. (*The New York Times*, 12/06/2001)

The House passes its version of a border security bill. The bill authorizes an increase in the number of INS inspectors and Customs Service agents at U.S. entry points, the creation of a terrorist database for government agencies, and an electronic system to locate and follow foreign students. Under the border security bill, schools suffer harsher penalties for failing to track foreign student class attendance. The bill also funds technological improvements, recruitment, and

training for INS agents. (2002 *Congressional Quarterly*, Washington, D.C.: Congressional Quarterly Inc., 2003, pp. 13-7 to 13-8)

## 2002

- March* Four top officials from the INS resign after an investigation uncovers that two of the September 11<sup>th</sup> attackers remained in the U.S. because of INS failure to update their visa status. (*The New York Times*, 03/16/2002)
- April* The Senate attempts to pass as a unanimous consent agreement in its version of the 2001 border security bill, but Senator Robert Byrd (D-WV) opposes unanimous passage. Pressure to pass the bill mounts throughout the spring, and the Democratic leadership allows debate on the bill. Byrd amends the bill to delay deadlines for security requirements placed on schools with foreign students. (2002 *Congressional Quarterly*, p. 13-7)
- May* The House agrees to the Senate version of the border security bill after the Senate agrees to drop a provision freeing the attorney general from the normal bidding process for determining who will develop the terrorist database. (2002 *Congressional Quarterly*, p. 13-7)
- Congress passes a farm bill containing a provision restoring food stamp benefits to legal permanent residents who had lived in the U.S. for five years, recently arrived children, the disabled, and refugees. (2002 *Congressional Quarterly*, p. 4-4)
- June* Senator Bob Graham (D-FL) amends a welfare reform bill to permit states to provide some health care for some legal immigrants, specifically children and pregnant women. The bill passes the Senate Finance Committee. When Republicans win back the majority in the Senate, they set aside debating the bill any further in favor of considering their own version the following year. (2002 *Congressional Quarterly*, p. 15-3 to 15-6)
- November* Congress passes legislation to create the Department of Homeland Security. The bill abolishes the INS and absorbs its functions into newly created parts of Homeland Security. The portion of the INS that handled immigration claims is moved to the Bureau of Citizenship and Immigration Services. The portion of the INS that handles border security becomes part of the Bureau of Border Security in the Border and Transportation Division. (2002 *Congressional Quarterly*, pp. 7-3 to 7-4, 13-8 to 13-9)