



EDWARD M. KENNEDY ORAL HISTORY PROJECT

Interviewer's Briefing Materials **Edward M. Kennedy Interview, 10/8/2007-10/9/2007**

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Miller Center Documents¹

- Edward M. Kennedy Immigration Legislation Overview.
- Edward M. Kennedy Immigration Legislation Timeline.
- Edward M. Kennedy Immigration Legislation: Key Figures.
- Overview of the 1965 Immigration Bill.
- Overview of the Hesburgh Commission and Ensuing Legislation: 1980-1990.
- Overview of the 1986 Immigration Reform and Control Act (prepared for the KOHP interview with Alan Simpson.)
- Overview of the 1990 Immigration Act (prepared for the KOHP interview with Alan Simpson.)
- Overview of the Jordan Commission.

Secondary Source Materials

- Immigration, Refugees and Border Security Subcommittee information, U.S. Senate Committee on the Judiciary, <http://judiciary.senate.gov>.
- Adam Clymer, *Edward M. Kennedy: A Biography* (New York: William Morrow and Company, Inc., 1999) pp. 70-71.
- Edward M. Kennedy, "The Immigration Act of 1965," *Annals of American Academy of Political and Social Science* (September 1966) pp. 137-149.
- Edward M. Kennedy, opening statement, "Final Report of the Select Commission on Immigration and Refugee Policy," Joint Hearings before the Senate Subcommittee on Immigration and Refugee Policy, 5/5-7/1981, pp. 20-21.
- Executive Summary, "The Final Report and Recommendations of the Select Commission on Immigration and Refugee Policy," 03/01/1981, pp. xv-xxxii.
- Edward M. Kennedy, "Immigration Law: Some Refinements and New Reforms," *International Migration Review* (Summer 1970), pp. 4-10.
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Oral History Interviews

- Edward M. Kennedy interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 4/3/2007.
- Dale DeHaan interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 10/22/2006.
- Michael Myers interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 08/26/2006.
- Alan Simpson interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 05/10/2006.
- Esther Olavarria interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 08/28/2006.
- Garret Fitzgerald interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 09/28/2005.
- Milt Gwirtzman consultation, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 07/21/2004.
- Nick Katzenbach interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 11/29/2005.
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- Thomas Oliphant interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 11/15/2006.
- Barbara Souliotis interview, Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia, 07/12/2005.
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EMK IMMIGRATION OVERVIEW

Prepared by Rob Martin

Miller Center of Public Affairs, University of Virginia, 09/25/2007

1963 *EMK is placed on the Judiciary's immigration and naturalization subcommittee, as well as Labor and Public Welfare's migratory labor subcommittee; (he remains on the migratory labor subcommittee through the mid-1970s).*

1965 *EMK becomes chairman of the Judiciary's subcommittee on refugees and escapees; (he serves as chair until Congress reorganizes its committee system in 1977).*

The Immigration and Nationality Act Amendments of 1965: EMK cosponsors and manages LBJ's immigration bill (introduced by Hart) on the Senate floor. To help end discriminatory U.S. immigration practices, the bill amends the 1952 Immigration and Nationality Act (the McCarran-Walter Act) to repeal the national origins quota system, which favored Western European countries. The issue had been a cause of JFK and Honey Fitz. The act creates a new system emphasizing family reunification and new refugee admissions categories, both of which have the unintended effect of creating an unprecedented surge in immigration by the 70s. This is compounded by the lack of enforcement provisions to limit illegal immigration. Others criticize the 1965 act for going too far in restricting European immigration.

LBJ names EMK to the **Select Commission on Western Hemisphere Immigration**, which was created by the 1965 immigration legislation to study whether numerical limitations should be imposed upon immigration from the Western Hemisphere. According to the 1965 law, the U.S.'s traditional open door policy towards immigration from the Western Hemisphere will continue until 1968, at which point a ceiling of 120,000 will be imposed unless: a) the commission recommends against the ceiling; and b) Congress passes legislation to carry out the recommendation. The commission's mandate expires in 1968 without making a recommendation, and the 120,000 ceiling is imposed. EMK unsuccessfully attempts to raise the ceiling the following year.

1978 **The Select Commission on Immigration and Refugee Policy (the Hesburgh Commission)** is created by Congress in 1978 to address the rise in immigration levels that has occurred since the passage of the 1965 bill. Carter had asked Congress to address immigration the year before. EMK serves on the commission, which is chaired by Hesburgh. It releases its report in 1981. (See 1981)

1979 *EMK becomes Judiciary chairman; he briefly leaves the immigration subcommittee.*

1980 **The Refugee Act of 1980**, which is sponsored by EMK, separates refugee admissions from the rest of the U.S. immigration system. It establishes systematic procedures for admitting refugees (refugees had previously been admitted piecemeal on a case by case basis) and creates a refugee resettlement program. The act implements some of the preliminary findings of the Hesburgh Commission.

- 1981** *EMK is named to the Immigration and Refugee subcommittee, which is chaired by Simpson; EMK loses the Judiciary chair when the GOP takes the Senate in 1980.*

The Hesburgh Commission releases its report in 1981. While supporting the principle that legal immigration should be continued regardless of race, it cautions that immigration levels have been rising “out of control.” It calls for a “modest increase” in legal immigration and a limited legalization program for many illegal immigrants already in the U.S., coupled with tougher border controls and employer sanctions for hiring illegal immigrants. EMK largely supports the report but criticizes its recommendation that tougher enforcement mechanisms must be in place before legalization could begin.

- 1986** **The 1986 Immigration Reform and Control Act** addresses illegal immigration by imposing employer sanctions for hiring illegal aliens, creating an limited amnesty program, and tightening border enforcement. Simpson sponsored the bill after previous efforts in 1982 and 1984 to pass comprehensive legislation covering both legal and illegal immigration had been unsuccessful. EMK supports many of Simpson’s initiatives but had consistently fought to add provisions to end employer sanctions should they later prove to be discriminatory and to further liberalize the amnesty program. The act implements many of the findings of the Hesburgh Commission.

- 1987** *EMK becomes chairman of the Judiciary’s Immigration and Refugee subcommittee.*

- 1990** EMK sponsors **the Immigration Act of 1990** which addresses legal immigration by raising legal immigration levels, particularly for Europeans (who had been adversely affected by the 1965 law) and for skilled labor. EMK works closely with Simpson on the bill, which implements many of the findings of the Hesburgh Commission. The act also creates the Commission on Immigration Reform (the Jordan Commission) to study the impact of the new legislation and the effectiveness of current immigration laws.

- 1993** Clinton appoints Rep. Barbara Jordan (D-TX) to chair the **Commission on Immigration Reform**. The Jordan Commission was created by the 1990 Immigration Act to study illegal immigration, but its mission is later broadened in 1991 by a Simpson amendment to study conduct a “comprehensive” study of immigration issues. The commission’s first report on illegal immigration in 1994 most notably calls for the creation of a national worker ID program to verify work eligibility. Its second report on legal immigration in 1995 calls for cuts in immigration levels, particularly for unskilled labor, and for the elimination of non-nuclear preference categories to give greater preference to immediate family members. The commission’s recommendations are largely supported by the Clinton Administration, as well as Simpson and Rep. Lamar Smith (R-TX).

- 1994** *EMK loses chairmanship of (but remains on) the Judiciary’s Immigration and Refugee subcommittee (now renamed the Immigration subcommittee).*

- 1996** EMK works with Simpson on the **Illegal Immigration Reform and Immigrant Responsibility Act**. Simpson, the bill's chief sponsor, was forced to split the controversial legislation cutting legal immigration levels into a separate bill, which does not make it to the Senate floor. (EMK had argued the cuts in legal immigration went too far and supported the move to separate the bills.) The bill increases border enforcement, streamlines the removal process, establishes a pilot electronic employment eligibility verification system, and limits immigrant access to welfare benefits. EMK supported much of the bill, but most notably differed with Simpson on Simpson's attempt to restrict welfare benefits to legal aliens. Some criticize the bill for not doing enough to halt the employment of illegal aliens, as recommended by the Jordan Commission.
- 2001** *EMK wins (and loses) chairmanship of the Judiciary's immigration subcommittee as the Democrats win (and lose) control of the Senate in '01 and '02; he loses the chair in '03.*
- Congress passes the Patriot Act.
- 2002** EMK cosponsors post-9/11 legislation with Brownback and, later, Feinstein and Kyl, to improve the federal government's ability to monitor foreign nationals, including those in the U.S. on student visas, and identify potential terrorists. At the same time, EMK continues to question measures that would suspend the rights of foreign nationals in the U.S. The bill passes after Byrd has a Bush-backed legalization provision removed.
- Congress passes legislation creating the Department of Homeland Security. EMK is one of nine senators to vote against the bill. EMK had been working with Lieberman on INS reform and opposed labor regulations aimed at weakening unions in the new department. Earlier in the year, EMK and Brownback had also proposed to break the INS into two bureaus and place them within a new organization similar to the FBI.
- 2004** *EMK serves on the Judiciary's Immigration, Border Security, and Citizenship, Terrorism, Technology, and Homeland Security subcommittees.*
- 2005** EMK and McCain work with the White House to cosponsor a comprehensive immigration bill that would tighten border patrols and establish a temporary visa and legalization program. The bipartisan legislation clears the Senate in 2006 but meets strong opposition in the House, which has passed its own, more conservative bill focusing on border enforcement. House GOP leaders are particularly critical of what they dub as the Senate's "amnesty" provision. EMK and Kyl work with the White House in 2007 in an effort to revive the immigration bill, agreeing to shift the U.S. visa system from family- to merit-based, in which a point system would evaluate visa candidates on the basis of job skills, education and English language proficiency. However, the bill dies in the Senate.
- 2007** *EMK leaves the Immigration subcommittee when he becomes chairman of Health, Education, Labor and Pensions Committee.*

EMK IMMIGRATION LEGISLATION TIMELINE

Prepared by James McGill Patterson and Emily Jane Charnock; revised by Janet E. Heininger, Ph.D., October 15, 2009

Miller Center of Public Affairs, University of Virginia, June 2007

1962

November Edward M. Kennedy (EMK) is elected to the United States Senate, becoming the junior Senator from Massachusetts.

1963

March Judiciary Committee Chairman James O. Eastland (D-MS) places Senator Edward M. Kennedy (EMK) on the immigration and constitutional rights subcommittees. (Adam Clymer, *Edward M. Kennedy: A Biography*, New York: William Morrow and Company, 1999, p. 46)

July On the 23rd, President John F. Kennedy sends legislative recommendations to Congress on immigration reform, the main emphasis being the elimination of the national-origins quota system that gives special visa priority to countries in Western Europe. Under the existing system, established by the 1921 Quota Act and subsequent legislation in 1924 and 1952, total immigration to the U.S. from non-Western Hemisphere countries is capped at approximately 158,000 with visa quotas allocated according to the national origins of the U.S. population in 1920. This favors nations who sent early settlers, like Great Britain, Germany, Ireland and Scandinavia, countries that are also predominantly white. Very few quota visas are awarded to other countries (though countries in the Western Hemisphere do not come under the quota system and face no cap) and many feel the system is discriminatory. Individuals can be exempted from the quota system by a private bill in Congress. (*1965 CQ Almanac*, pp. 459, 461)

1964

January On the 8th, President Lyndon Johnson delivers his State of the Union message in which he states “we must lift by legislation the bar of discrimination against those who seek entry into our country.” (Edward M. Kennedy, “The Immigration Act of 1965,” *Annals of American Academy of Political and Social Science*, September 1966, p. 141)

Following several delays, hearings begin in the Senate Immigration Subcommittee on the 13th. Immigration Subcommittee Chairman James Eastland (D-MS) sees broad support for the measure and declines to oppose it, turning over the chairmanship to EMK to deal with the issue. Just prior to the hearing, Johnson holds a meeting at the White House to which he invites several Senators, including EMK, Eastland, and Philip Hart (D-MI), Congressmen and representatives of organizations interested in immigration reform (including unions and religious groups), pledging his support for the measure: “The whole

point of that meeting was for Johnson to indicate to the immigration community, so to speak, that he was really in favor of this bill and intended to carry it out.” (Kennedy, p. 140-141)

The House also begins hearings in June, but no further action is taken in either chamber and the bill expires with the close of the 88th Congress. (Kennedy, pp. 139-141; Clymer, pp. 70-71)

1965

- January* On the 13th, Johnson essentially reiterates the Kennedy proposals in a special message to Congress. The Administration bill is introduced as S. 500 by Hart with EMK as one of the 33 cosponsors. Though the national-origins quota system favors Western European countries such as Ireland, EMK embraces the opportunity to end a policy he sees as discriminatory. (Kennedy, pp. 141-142; Clymer, pp. 70-71; *The Wall Street Journal*, 10/04/1965)
- February* Hearings on S. 500 begin on the 10th, conducted again by EMK as Acting Chairman. They are interrupted by consideration of the Voting Rights Act and finally conclude August 3rd.
- March* On the 3rd, Senator Robert F. Kennedy (D-NY) testifies before EMK’s subcommittee, arguing that the new legislation will not alter the ethnic composition of the United States given that many of the preferred nations were not utilizing their full quotas under the current law. He argues “What is objectionable about the present law...are group discriminations from which no individual can escape because no one can change his place of birth.” (1965 *CQ Almanac*, p. 474)
- May* The House Judiciary Subcommittee on Immigration and Nationality holds hearings from March 3rd to June 12th. On the 27th, Andrew J. Biemiller of the AFL-CIO testifies before the subcommittee, seeking labor protection provisions in the bill. As a result of his testimony and negotiations, a stronger labor protection provision than under existing law is written into the bill requiring that immigrants seeking admission on the basis of skills be certified by the Secretary of Labor “that the job could not be filled by available domestic labor and that the immigrant’s entry would not adversely affect domestic wages and working conditions.” In the final bill, this provision is also applied to individuals entering from the Western Hemisphere. (1965 *CQ Almanac*, p. 469)
- August* On the 6th, the House Judiciary Committee favorably reports its version of the immigration bill, but it is substantially altered from the President’s proposals. In order to gain the support of the subcommittee chairman, Rep. Michael Feighan (D-OH), on the elimination of the national-origins quota system, the Administration acquiesces on several changes including a ceiling on annual immigration from non-Western Hemisphere countries, an increase in the number of visas available for citizens of one country, an increase in the number of visas

available for the parents, spouses and children of U.S. citizens, tighter provisions on refugees and little presidential discretion for emergency circumstances. The reported bill, strongly influenced by a substitute measure introduced by Feighan, also eliminates the proposed Immigration Board, which had proved controversial as a possibly unconstitutional expansion of executive power and calls for an immediate phase-out of the quota system. On the 25th, the House passes the measure by a vote of 318-95. (Kennedy, pp. 143-145)

On the 26th, the Senate Immigration Subcommittee reports the House-passed measure to the full Judiciary Committee, but adds several amendments bringing it closer to the original Administration proposals including broader reasons for admitting refugees and a provision designed to help Cuban refugees become permanent residents. Senator Sam Ervin (D-NC) adds an amendment limiting immigration from the Western Hemisphere to 120,000 unless Congress passes legislation specifying otherwise before July 1, 1968. The amendment passes by a vote of 5-3, with EMK voting against (along with Hart and Jacob K. Javits, R-NY). Senator Everett Dirksen (R-IL), Minority Leader and Judiciary Committee member, supports the limit (reportedly to assist his committee ally, Ervin). Though the administration opposes such a ceiling, Dirksen and Ervin negotiate for the 120,000 cap with Attorney General Nicholas Katzenbach. Johnson ultimately agrees to it as a necessary compromise, though Ervin does add a provision to the amendment to establish a Select Commission on Western Hemisphere Immigration to study the issue and report to Congress by January 15, 1968. Dirksen threatens to obstruct passage unless his measure calling for reapportionment of state legislatures is reported out concurrently. Again, he is successful. (Kennedy, pp. 146-147; Neil MacNeil, *Dirksen: Portrait of a Public Man*. Cleveland, OH: The World Publishing Company, 1970. pp. 262-263; 1965 *CQ Almanac*, p. 462)

September On the 8th, the Judiciary Committee finally reports the immigration bill. Debate begins on the 17th, continuing until the 22nd, with EMK serving as floor manager. (Kennedy, pp. 146-147) Though Senators express concern over other aspects of the immigration system, consensus emerges on the need to eliminate the national-origins quota system and rectify other matters at a later date. No amendments are added and on the 22nd the bill passes by a vote of 76-18.

A House-Senate conference is convened to address differences between the bills particularly on the matter of a Western Hemisphere immigration cap. In the end, the cap is retained though the measure to provide Cuban refugees with an opportunity for permanent resident status is deleted. On the 30th, the conference report passes the House by a vote of 320-69 and the Senate by voice vote. (Kennedy, p. 148)

October On the 3rd, Johnson signs the Immigration Act of 1965 (PL 89-236).

EMK is named as a member of the newly established Select Commission on Western Hemisphere Immigration. (Kennedy, p. 138; *1965 CQ Almanac*, p. 479)

1966

May EMK expresses concern with a provision of the 1965 Immigration Act, inserted at the behest of organized labor, which permits the Secretary of Labor to deny entry to immigrants seeking jobs that can be filled by American citizens or whose entry might adversely affect them. Despite the intentions of the bill to abolish preferential treatment to Western European nations, EMK argues that the labor provision is suppressing immigration, particularly from countries such as Britain, Ireland, France the Netherlands and Germany. He seeks to rectify the issue with the Department of Labor. (*New York Times*, 05/21/1966)

August EMK sponsors a bill that would eliminate “the requirement that aliens such as Cuban refugees leave the U.S. in order to become eligible for permanent U.S. residence and eventual citizenship.” (*1966 CQ Almanac*, p. 1100)

1967

August On the 21st, the House passes a deadline extension requested by the Select Commission on Western Hemisphere Immigration, but the matter stalls in the Senate Judiciary committee.

October On the 11th, EMK introduces the “Immigration and Nationality Act of 1967,” with identical legislation introduced concurrently in the House by Rep. Emanuel Celler (D-NY). The legislation would create a Board of Visa Appeals and a Commission on Nationality and Naturalization to revise refugee policy. The legislation also proposes changes to existing asylum policy and sets a statute of limitations on deportation. (*1968 CQ Almanac*, p. 526)

It is also reported that the 120,000 Western Hemisphere cap, though unpopular with a majority of Commission members, will be pushed Dirksen and his allies. Dirksen claims the cap was the price for passage of the 1965 immigration bill. At the same time, the Commission is expected to push for an extension of its mandate to study the effectiveness of the 1965 law and to gain an opportunity to again oppose the cap. (*Washington Post*, Oct 28, 1967).

1968

January On the 15th, the Select Commission on Western Hemisphere Immigration reports that it is unable to make definite recommendations on the proposal to cap annual Western Hemisphere immigration at 120,000.

April Attempting to make changes to the 1965 Immigration Act before it goes into full effect on July 1st, Rep. Celler introduces a bill on the 5th to revise the preference

system and eliminate backlogs. On the 11th, Rep. William F. Ryan (D-NY) introduces legislation specifically designed to address the drop in Irish immigration, which had fallen precipitously (something that RFK, speaking at an Irish-American dinner, promises to address). The bill proposes an allotment of extra visas to countries from which immigration had fallen below 75% of its previous yearly average. Tip O'Neill supports this bill. Rep. Michael Feighan (D-OH) also conducts hearings examining the effects of the 1965 Act. (1968 *CQ Almanac*, p. 526; *New York Times*, April 2nd, 1967)

October Congress passes legislation extending immediate naturalization to alien servicemen serving in the U.S. Armed Forces in the Vietnam combat zone. (1968 *CQ Almanac*, p. 715)

1969

March EMK and Rep. Feighan introduce a bill that will tighten restrictions on immigrant Mexican laborers. (*The New York Times*, 03/27/1969)

December EMK and Rep. Feighan introduce a bill to raise the ceiling on Western Hemisphere immigration from 120,000 to 300,000 beginning in 1973. (*New York Times*, 12/6/1969)

1972

August EMK uses his chairmanship of the Senate Judiciary Subcommittee on Refugees to hold hearings on the impact of the Vietnam War on the civilian population, particularly children. (1972 *CQ Almanac*, p. 766)

1973

September On the 26th, the House passes legislation to extend the preference system and 20,000 per nation cap on Eastern Hemisphere immigration to the Western Hemisphere. The Senate Judiciary Committee takes no action. (1973 *CQ Almanac*, p. 852)

1975

May Congress passes the "Indo-China Migration and Refugee Assistance Act," which establishes temporary resettlement assistance for refugees from Cambodia and Vietnam and requires the president to submit several reports on the status of such refugees. The legislation is sponsored by Rep. Peter Rodino (D-NJ) in the House and John Sparkman (D-AL) in the Senate. EMK is not a cosponsor. (THOMAS, Public Law 94-23)

1976

September On the 29th, the House passes the Immigration and Nationality Act Amendments, which bring immigration requirements for Western Hemisphere applicants into line with those for Eastern Hemisphere establishing a per-country 20,000 person limit and preference categories so that skilled workers and relatives of U.S. citizens can qualify more quickly. The amendments make a number of other minor adjustments, including repealing the requirement that Western Hemisphere natives applying for permanent residency status must return to their home countries first and reenter the United States. EMK had also proposed removing this requirement in a 1966 bill. The Senate passes the bill on October 1st. (1976 *CQ Almanac*, pp. 413-414)

1977

August On the 4th, President James Earl Carter sends a message to Congress outlining his proposals on illegal immigration: civil penalties for businesses that knowingly hire illegal workers, increased border enforcement and “adjustment of status” for many illegal immigrants. EMK and Eastland are slated to introduce the bill in the Senate, but introduction in the House is delayed until October 12th by opposition from Rep. Joshua Eilberg (D-PA), Chairman of the House Judiciary Subcommittee on Immigration because the bill lacks criminal sanctions. The Senate bill is not introduced until October 28th, and no further action is taken on the measure this year. (1977 *CQ Almanac*, pp. 568, 572-574)

1978

May Congress again passes legislation to bring Western Hemisphere immigration requirements into line with Eastern. This bill imposes a worldwide ceiling on immigration and a uniform seven-category preference system (the 1976 legislation had established a preference system in the Western Hemisphere, but greater demand had perpetuated unequal treatment as the Western and Eastern ceilings remained different). (1978 *CQ Almanac*, p. 198).

Congress authorizes the Select Commission on Immigration and Refugee Policy to study the immigration situation in the U.S. and make recommendations for revision of the Immigration and Nationality Act of 1952. Carter appoints EMK to the commission, as well as Senator Alan Simpson (R-WY). (Alan Simpson, *Right in the Old Gazoo: A Lifetime of Scrapping with the Press*, New York: W. Murrow, 1997, p. 66)

1979

July Following Eastland’s retirement from the Senate, EMK becomes Chair of the Judiciary Committee and introduces a bill to replace the Indo-Chinese Refugee Assistance Act and other temporary refugee programs. The bill is reported on the 23rd and would increase the number of immigrants and refugees permitted to enter the U.S. from 290,000 to 320,000 with the number of annual refugees allowed

entry from any single nation raised from 17,400 to 50,000. The bill would also authorize the president to increase the 50,000 limit if he or she determined that the nation faced particularly significant humanitarian concerns (though a floor amendment made this provision sunset after three years). Other prominent elements of the Senate bill included admitting refugees as lawful permanent residents (as opposed to a two-year conditional entry program), making permanent various temporary assistance programs for refugees, including cash assistance, medical and social services, and job skills and language training, and reimbursements to the states of 100% of the costs for two years following a refugee's entry. On September 6th, the Senate passes its version of the bill, 85-0. (1979 *CQ Almanac*, pp. 392-393).

December In contrast, the House bill admits refugees as refugees, though permanent residency status is applied retroactively once received. Another provision in the House bill turns "consultation" with the president over the admission of refugees beyond the 50,000 mark into a "legislative veto," whereby either chamber of Congress could veto the president's plan. The House bill guarantees federal reimbursement for four years and creates an Office of Refugee Resettlement and Assistance in the Department of Health, Education and Welfare (HEW) to administer the assistance programs, moving them out of the State Department. The House passes its bill by a vote of 328 to 47. (1979 *CQ Almanac*, pp. 392-394; 1980 *CQ Almanac*, p. 379)

1980

Jan-March Conferees basically accept House provisions on administering the programs, with a three-year compromise on federal reimbursement and approve the new HEW Office of Refugee Resettlement (although transfer of programs would be delayed for two years while a study is conducted). The legislative veto is dropped and refugees are to be admitted as refugees, but with lawful permanent resident status granted after a year (also to be applied retroactively). The 50,000 limit on regular refugee entry is to be reviewed in three years. On February 26th, the Senate adopts the conference report. The loss of the veto provision proves controversial in the House debate on the conference report, but it is ultimately accepted on March 4th, by a vote of 207-192. (1980 *CQ Almanac*, pp. 378-379; Gimpel and Edwards, pp. 124-130)

April EMK sponsors a bill to alleviate the backlog of requests from Mexicans for legal entry. Part of the bill essentially triples the number of available visas for Mexicans, but that provision is stripped out and referred to the Select Commission on Immigration and Refugee Policy. (*Christian Science Monitor*, 4/21/1980)

October On behalf of the Select Commission on Immigration and Refugee Policy, EMK requests the Congressional Research Service to compile the most recent available immigration data and obtain positions from leading experts on how immigration policy needs changing. The CRS submits its final copy in October and EMK

distributes the findings to the Judiciary Committee. The suggested reforms are considered in the subsequent protracted debate over reforming immigration to adjust for the long-term consequences of the 1965 law and shifts in U.S. policy towards refugees. (Congressional Research Service, *Select Readings on U.S. Immigration Policy and Law*, ed. Joyce Vialet, Washington: 1980)

January Senator Alan Cranston (D-CA) introduces a bill to remove “sexual deviation” as grounds for excluding aliens from immigrating to the U.S., which was in the 1952 Immigration and Nationality Act. EMK does not cosponsor the measure but calls for a repeal of all 33 subsections listing grounds for exclusion believing a wholesale strategy would work better than stripping out the sexual deviation clause alone. Carter, concerned that this contravenes the 1975 Helsinki Human Rights Agreement, endorses the proposal. EMK states, “Had these sections applied to American citizens, rather than to aliens, they would undoubtedly have been thrown out in court years ago.” (*New York Times*, 6/24/1980)

1981

January Following the 1980 election and the Democrats’ loss of Senate control, Simpson replaces EMK as chair of the Immigration Subcommittee.

March The Commission on Immigration and Refugee Policy issues its report recommending increased enforcement combined with an amnesty for illegal immigrants already in the U.S. and a number of other measures including fines for employers who hire illegal aliens knowingly, a more reliable way to prove identity (which sparked a later controversy over national identity cards) and continuation of the small-scale H-2 program rather than a large-scale temporary worker program.

July On the 30th, President Ronald Reagan outlines his immigration proposals drawing on the report of the Select Commission on Immigration and Refugee Policy and a special task force he had appointed to review these findings. Reagan’s proposals include increasing border patrols, strengthening employer sanctions for employing undocumented workers, creating a temporary guest-worker program for Mexicans and granting amnesty to approximately 3 million of the estimated 6 million illegal immigrants in the United States. He stresses that economic hardship in the country of origin does not confer refugee status and embarks on a harsher policy of detention and possible deportation for Haitian immigrants. Reagan also asks for the power to declare an immigration “emergency” to close certain parts of the border and restrict travel. (*1981 CQ Almanac*, p. 422, 424)

September The Senate Judiciary Subcommittee on Immigration and Refugee Policy and the House Judiciary Immigration, Refugees and International Law Subcommittees hold hearings on the proposals. The Mexican-American Legal Defense and Education Fund (MALDEF) strenuously oppose the proposals as likely to cause discrimination toward Hispanics and EMK disagrees with employer sanctions,

stressing the need to enforce minimum wage and labor standards' laws instead. State dissatisfaction with actual federal reimbursement for assistance programs is also voiced at the hearings. (*1981 CQ Almanac*, pp. 423-424; Gimpel and Edwards, pp. 124-127)

Following the hearings, Simpson announces his intention, along with House subcommittee Chair Romano L. Mazzoli (D-KY), to introduce a bill combining Reagan's proposals with proposals made by his staff that would strengthen border control and sanctions, and create a new form of national identification – a proposal made by the Select Commission but missing from Reagan's package. (*1981 CQ Almanac*, p. 423)

December While preparations continue for a full-scale immigration reform bill, Congress passes a bill to improve efficiency in the Immigration and Naturalization Service (INS). The bill eliminates the requirement that permanent alien residents register with the INS each year and reduces the number of witnesses required for naturalization proceedings. It also revises student-visa categories and provides automatic permanent residency status to certain medical school graduates. (*1981 CQ Almanac*, pp. 424-425)

1982

April-May Simpson and Mazzoli propose Reagan's immigration reform bills in the Senate and House. EMK offers several amendments in the Judiciary Committee but is successful only with his "amnesty" amendment granting temporary resident status, with eligibility for permanent resident status, to all undocumented workers in the U.S. by January 1, 1982. The original deadline had been January 1, 1980, and for immediate permanent residency, immigrants must have been present before January 1, 1978. The vote is 8-6. State and local officials, who are reportedly afraid of a sudden increase in those using public services, lobby against amnesty, while labor unions worry new workers might be hired to break strikes or used as leverage in negotiations. EMK's other amendments all fail, including an attempt to Department of Labor oversight of temporary worker regulations rather than the Attorney General, as the bill proposes, which EMK fears will diminish responsiveness to labor demands, and a requirement that the president review the use of employer sanctions for evidence of discrimination. Further, while the proposed bill creates a U.S. Immigration Board as a court of appeal in asylum decisions, EMK's amendment to make discrimination claims a basis for such judicial review also fails. On May 27th, EMK is the only senator to vote against moving the bill to the floor (16-1). (*1982 CQ Almanac*, pp. 405-406, 408; Gimpel and Edwards, p. 137)

August EMK's amnesty success is quickly undone on the Senate floor. Senator Charles E. Grassley (R-IA) manages to move back the deadline for immediate permanent residency to January 1, 1977, and revise EMK's amended deadline for temporary residency back to its original deadline of January 1, 1980. He also increases the

waiting period for permanent residency from two to three years and retains the committee provision denying federal benefits to these temporary residents. EMK opposes Grassley's comprehensive amendment on the grounds that it would create a group of second-class citizens of immigrants who entered after the deadline. However, on the 12th, the Senate approves Grassley's amendment by a vote of 84 to 16. On the 17th, the Senate passes the bill 80-19, with EMK voting against. (1982 *CQ Almanac*, pp. 406-7)

December The House Judiciary Committee reports its bill on September 22nd but it lacks House leadership support, particularly by Speaker Tip O'Neill, and is given a rule allowing for essentially unlimited amendments. By the 16th, more than 300 amendments have been filed, preventing any chance of passing the bill prior to the House adjourning. (1982 *CQ Almanac*, pp. 408-410)

1983

April Undeterred by the failure of their bill in 1982, Simpson and Mazzoli propose similar legislation with an expanded temporary worker program though House-Senate differences emerge: the House bill is more generous on the amnesty deadline (January 1, 1982 for permanent residency status) and the Senate bill imposes a strict 425,000 person immigration cap to include spouses, parents, and children who had been currently admitted outside of the 270,000 person cap. (1983 *CQ Almanac*, p. 287)

Only Simpson, Senator Strom Thurmond (R-SC), chairman of the Judiciary Committee, and EMK attend the Senate markup. In the full committee, EMK successfully presses for passage of two amendments. The first requires the General Accounting Office (GAO) to review annually the prosecution of employer sanctions for five years with Congress reviewing the results to determine if such prosecutions show evidence of discrimination. The other amendment reinstates the visa preference category for all brothers and sisters of citizens, which the original bill had restricted to unmarried siblings. However, his attempt to require the president to certify non-discriminatory enforcement of employer sanctions after five years is rejected, as is raising the total annual immigration cap from 425,000 to 465,000, increasing opportunities for judicial review in the asylum process and revising the deadline for temporary resident eligibility to December 31st, 1981 (from 1980 in the Senate bill) as a replacement for the two-tier system that would grant permanent residency to those present before January 1, 1977. The bill is reported on the 21st, with EMK voting against. (1983 *CQ Almanac*, p. 287)

May EMK, with Senators Cranston and Donald W. Riegle, Jr. (D-MI) leads liberal opposition on the floor, fearing the legislation would encourage discrimination against Hispanics. They gain some ground on judicial review for those denied asylum: the Senate passes an EMK-Simpson amendment expanding rights to judicial review in return for a pledge from the ACLU not to lobby against the

streamlined asylum procedures. EMK has little success in other areas: an amendment he co-sponsors to provide remedies for discrimination in enforcement procedures is rejected, as is an attempt to terminate employer sanctions after five years if they prove discriminatory, and a floor attempt to revise the deadline for temporary residency status to December 31st, 1981. Other opposition to the bill comes from western senators, such as Pete Domenici (D-NM) and Pete Wilson (R-CA), who fear the bill will not meet its stated purposes and cause disruption in states such as theirs with large immigration populations. Conservatives are also opposed: Senators John P. East (R-NC) and Jesse Helms (R-NC) denounce the punishments for illegal aliens already in the U.S. as insufficiently harsh. Helms in particular is vigorously opposed, first attempting to remove the entire amnesty program (failing 21-76) and then proposing an amendment permitting states to exclude the children of illegal immigrants from public schools. EMK adamantly opposes the amendment, and in alliance with Simpson, is able to defeat it (31-63). The bill passes the Senate on the 18th, 76-18, with EMK voting against it. (1983 *CQ Almanac*, pp. 288-289, 21-S; Gimpel and Edwards, p. 157; *The Washington Post*, 5/19/1983)

The broad content of the bill results in multiple committee referrals in the House. Having cleared the House Judiciary Committee on May 5th, the measure then proceeds through the Agriculture, Education and Labor, and Energy and Commerce committees, with three different versions reaching the Rules Committee by July. Without a compromise measure in sight, Speaker O'Neill announces on October 4th that he will not place immigration reform on the House calendar. He cites Hispanic caucus opposition, lack of clear support and a likely Reagan veto. (1983 *CQ Almanac*, pp. 287, 291-292)

1984

- April* On the 5th, the House Rules Committee begins hearings on immigration reform, seeking to reconcile the three versions passed by various committees the previous year. The committee proceeds to hold hearings on the bills.
- June* On the 8th, the Rules Committee issues a rule for consideration of immigration reform that restricts amendments (unlike the open rule in 1982 that brought down the measure). The basic bill will be that reported by the Judiciary Committee and 69 amendments will be permitted. Debate over the bill is far more bitter than anticipated, with the sanctions portion barely surviving several challenges and the amnesty provisions restricted by floor amendment. In a dramatic final vote on the 20th, the bill barely passes 216-211. (1984 *CQ Almanac*, pp. 230-232)
- July* At the Democratic National Convention, Hispanic delegates protest the immigration reform bill, prompting a pledge from presidential candidate Walter Mondale to do anything he can to kill the bill. The Reagan administration also announces opposition to the bill on cost grounds. (1984 *CQ Almanac*, p. 236)

September The House-Senate conference begins but quickly deteriorates amid disagreements over funding of amnesty costs, with the House bill offering 100% reimbursement to the states and the Senate offering a block grant. Simpson negotiates an informal \$1 billion cap on legalization costs, but discovers that Reagan will not agree. Though Schumer introduces the cap, House conferees oppose it, and compromise is not reached before adjournment. (*1984 Congressional Quarterly Almanac*, pp. 236-238)

1985

August On the 28th, the Senate Judiciary Committee reports another immigration reform bill. As introduced by Simpson, amnesty would be tied to increased border enforcement, with legalization delayed until illegal immigration had been reduced (with a commission set up to monitor it). EMK attempts in committee to have the legalization program operate immediately, but his amendment is rejected 6-8. His amendment to suspend employer penalties if they result in discrimination is also rejected, as is an attempt to retain the existing H-2 temporary worker program (which the bill would alter and expand). Senator Howard M. Metzenbaum (D-OH) successfully adds two amendments negotiated with Simpson--one imposing criminal penalties on employers who repeatedly hire illegal workers after paying civil fines and one to guarantee the legalization program will go into effect within three years rather than upon recommendation by the commission. Metzenbaum's actions anger Hispanic and civil rights lobbyists and other Senators, such as EMK, who are pushing for immediate legalization. The amended measure passes the committee by a vote of 12-5, on July 30th. (*1985 CQ Almanac*, pp. 223-224)

September On the floor, controversy erupts over an amendment by Wilson to set up a new foreign "guest worker" program primarily to assist agriculture with seasonal labor. The amendment passes when Wilson sets a 350,000 person cap for workers admitted under the program. However, Senator Paul Simon (D-IL) then offers a sunset amendment, ending the temporary worker program after three years unless Congress approves an extension. Many Senators who had waived on supporting Wilson's program acquiesce with the sunset provision added. EMK's objections to expanding any temporary worker program beyond the existing H-2 program stem from concerns about worker protections.

On the floor, EMK gets his discrimination amendment adopted requiring that employer sanctions cease after three years if a GAO study shows a widespread pattern of discrimination. EMK also offers an amendment with Senator Paula Hawkins (R-FL) to provide \$35 million in contingency funds for border patrols in case of an emergency. However, EMK's effort fails to amend the bill for immediate implementation of the legalization program.

After a brief delay over an attempted Social Security amendment by Senator John Heinz (R-PA), the bill passes 69-30, a smaller margin than for immigration reform bills in 1982 and 1983. The bill as passed provides for a legalization

program within three years for aliens resident prior to January 1, 1980, eligible for temporary resident status, with opportunity to adjust to permanent resident status after three years. Temporary residents would not be eligible for most public assistance. The bill also expands the H-2 temporary worker program, enabling agricultural industries to more easily obtain temporary labor, streamlining the application procedure and requirements. Agricultural employers are given three years to phase out the use of illegal workers before sanctions would be imposed. A “seasonal worker” program, capped at 350,000 workers, will be overseen by the Attorney General. These workers are required to return home after nine months, with 20 percent of their wages withheld until exit to discourage remaining illegally in the United States. (*1985 CQ Almanac*, pp. 224-227)

House action is deferred until 1986, providing time for Democrats to fully consider a seasonal worker program. (*1985 CQ Almanac*, pp. 227-228)

1986

October On the 9th, the House passes its version of the 1985 Senate immigration bill. In conference, the Senate’s seasonal worker program is retained (with some provision for former agricultural workers to gain permanent residency) and the deadline for legalization eligibility is set at January 1, 1982, with eligibility for permanent residency within 18 months. Criminal penalties for employers are also included, as well as a Justice Department Office of Special Counsel to investigate and prosecute discrimination. Employer sanctions are to be reviewed after three years. On the 15th, the House adopts the conference report; the Senate on the 17th. On November 6th, Reagan signs the bill, though his statement includes controversial language about the discrimination provisions. Reagan claims that discriminatory intent must be demonstrated for a non-citizen to prevail in a lawsuit over unfair denial of employment. (*1986 CQ Almanac*, pp. 61-67)

In the mid-term elections, the Democratic Party regains control of the Senate. EMK assumes the chair of the Judiciary Immigration Subcommittee.

1987

July The Senate Judiciary Committee considers DeConcini’s bill to suspend temporarily the deportation of illegal Salvadoran immigrants in the U.S for two years. Simpson opposes it. EMK successfully has illegal Nicaraguan immigrants included as well. (*1987 CQ Almanac*, pp. 284-286)

The House passes its version. The bill covers about 500,000 Salvadorans and 200,000 Nicaraguans. Opponents argue it would embarrass Reagan and his support of Salvadoran President Jose Napoleon Duarte whom the U.S helped put into power. Proponents argue the bill is necessary because of human rights violations in the two countries. While Nicaraguan President Daniel Ortega does

not support the bill, Duarte does because of \$350-600 million remittances to El Salvadoran families. (*1987 CQ Almanac*, pp. 284-286)

1988

- February* EMK and Simpson propose a bill to set an annual cap of 590,000 immigrants. The bill would reduce immigrants allowed entry because of family ties from 90% to 80% giving more slots to those with English proficiency and in areas of labor shortages. EMK and Simpson also want to increase Western European immigrants since their entry had declined in the previous twenty years. (*1988 CQ Almanac*, pp. 112-113)
- March* Senator Dale Bumpers's (D-AR) effort to remove a provision giving visas to foreign investors who have invested \$2 million dollars in American businesses fails. Senator Phil Gramm (R-TX) amends it to set the limit at \$1 million. The bill passes by voice vote, with only one (DeConcini) voting against. (*1988 CQ Almanac*, p. 113)
- October* The House version passes, as well, but without many of the Senate measures. The conferees agree only to ease admission of Irish immigrants and to extend time allowed on visas for foreign nurses. (*1988 CQ Almanac*, p. 113)

1989

- July* EMK and Simpson introduce an immigration reform bill to increase the cap to 630,000 with 480,000 spots reserved for immediate family of U.S. citizens. The bill creates a two-tiered visa allocation system, allowing family unification but with more of a focus on immediate family than previous law. An unlimited number of parents, minor children and spouses would be permitted. Priority is then given to adult sons and daughters of U.S. citizens, spouses and unmarried children under age 26 of permanent residents and married sons and daughters of U.S. citizens. Adult brothers and sisters applying under the "Fifth Preference" is reduced and limited only those who are not married. The two-tiered system also gives priority to those with job skills.
- In the first tier, 480,000 visas are for family immigration. This tier is categorized by family preferences with the first category for unmarried adult sons and daughters of U.S. citizens (24,200 visas); the second for spouses and unmarried sons and daughters under the age of 26 for permanent residents (148,000 visas, plus any leftover visas from the first category); the third for married sons and daughters of U.S. citizens (23,000 visas, plus leftover visas from the first two categories) and finally, brothers and sisters of adult U.S. citizens (64,800, plus leftover visas from the first three categories). In the second tier, 150,000 visas are allotted for the new independent or immigrant skills category. Hispanic groups who claim uncles and aunts are as much part of the Hispanic nuclear family as fathers and mothers are in America oppose the changes. Asian and Hispanic

lobbies oppose the English-speaking preference as unfairly advantaging Western European applicants.

Finally, the legislation creates an independent commission on immigration reform, increases the quota for Hong Kong immigrants leaving before the British hand over control in 1997 and provides amnesty for spouses who do not fall under the 1986 amnesty law to avoid splitting families. EMK organizes ethnic, business and labor lobbies to support the bill. In July, the bill passes by a wide margin, 81-17. (*1990 CQ Almanac*, Washington, D.C.: CQ Inc., 1991, pp. 474-475)

September The House Judiciary Subcommittee begins to hold hearings in September but does not take action, although indicating that it will act on its version of the bill in 1990. EMK appeals to the new House Judiciary Committee Chair Jack Brooks (D-TX) to encourage House action. (*1990 CQ Almanac*, 475; Clymer, p. 478)

1990

October The House passes its version of immigration reform with an increase to 800,000 in the first three years, which is higher than the cap set by the Senate. (*1990 CQ Almanac*, pp. 475-487)

October-November Simpson opposes the changes in conference, demanding a firm cap of 700,000 in the first three years and 675,000 after that, as well as an English-language requirement. Senate Republicans including Senators Orrin G. Hatch (R-UT) and Arlen Specter (R-PA) urge Simpson to compromise. He relents on the language requirement but wins the cap. On November 29, President George H.W. Bush signs the bill. (*1990 CQ Almanac*, pp. 479-481, 484-487; Clymer, p. 479)

1993 Clinton appoints Rep. Barbara Jordan (D-TX) to chair the bipartisan Commission on Immigration Reform that was created by the 1990 Immigration Act to study the impact of the new legislation and the effectiveness of current immigration laws. The commission also includes Brandeis professor Lawrence Fuchs, Michael Teitelbaum of the Sloan Foundation in New York, Richard Estrada of the *Dallas Morning News*, former immigration official Harold Ezell, Washington immigration lawyer Robert Charles Hill, Warren Leiden of the American Immigration Lawyers Association, Youth Build USA official Nelson Merced and immigration lawyer Bruce Morrison.

1994 In California, Proposition 187 passes with 58.8% of the vote. The ballot initiative would deny illegal immigrants social services, health care and public education, but is overturned by a federal court. It prompts support for similar initiatives in Illinois, Florida, New York and Texas.

The Jordan Commission issues its first report on illegal immigration, which calls for the creation of a national worker ID program to verify work eligibility.

1995

- May* With new Republican majorities in the House and Senate, Simpson becomes chair of the Immigration Subcommittee. Simpson's staff meets with those of several key Democrats, including EMK's staff. There is agreement on border control, employer sanctions and verification of work eligibility but strong differences on family reunification. Simpson wants to curb it, thinking "chain migration" contributes to too great an influx of immigrants. EMK supports the current preference for family reunification. (Gimpel and Edwards, p. 239)
- June* The Jordan Commission issues its report on legal immigration, which calls for cuts in yearly immigration levels, particularly for unskilled labor. It also calls for the controversial elimination of non-nuclear preference categories to give greater preference to immediate family members. The commission's recommendations are largely supported by the Clinton Administration, as well as Simpson. The commission had released its first report on illegal immigration in 1994.
- Simpson proposes S. 269 focusing on illegal immigration. It would prohibit illegal immigrants from receiving state and federal welfare benefits, thus eliminating, in his view, a major motive for many illegal immigrants to come to America. EMK proposes an amendment making illegal immigrants able to petition for benefits after becoming legal citizens or working in the U.S. for five years. The amendment fails 2-5. Simpson's bill would cap the annual number of refugees at 50,000, but EMK and Grassley propose an amendment to remove the cap, which passes 5-1. The bill passes the subcommittee with a vote of 5-2, EMK and Simon voting against it. (*1995 CQ Almanac*, pp. 6-16 to 6-18)
- November* Simpson proposes S. 1394, a bill to limit legal immigration, in late November, shortly before Congress adjourns. The bill would reduce the annual cap from 675,000 to 540,000 immigrants per year. 450,000 slots would be reserved for reuniting families of U.S. citizens, while the remaining 90,000 would be reserved for immigrants with desirable skills for American employers. The 90,000 limit is a significant reduction from the current 140,000 leading the business lobbies, such as the National Association of Manufacturers, to oppose the bill. S. 1394 would also require a business that hires a permanent foreign worker to 10% of the worker's wage or \$10,000 to the federal government, which would be used for training American workers. The subcommittee also votes to merge S. 269 with S. 1394, creating one bill for legal and illegal immigration (*1995 CQ Almanac*, pp. 6-17 to 6-18)
- EMK successfully amends the revised bill, adding a provision barring businesses from hiring a foreign worker if it had laid off an equally qualified American one. EMK and Simon vote against the bill, but it passes 5-2. Congress adjourns before the action by the full Judiciary Committee. (*1995 CQ Almanac*, p. 6-18)

1996

Early

The Senate Judiciary Committee considers Simpson's combined bill, the largest immigration reform since 1965. Simpson believes that keeping the bills together is crucial to their passage and makes several concessions to avoid a motion to sever them. EMK works with Simpson to scale back Simpson's plan to create five pilot programs dedicated to developing a legal immigrant identification system that employers would use to screen illegal aliens from their workforce. When the amendment to split the bill comes before the committee, it passes, with EMK voting for it. The split bills become S. 1664 for illegal immigration (formerly S. 269) and S. 1665 for legal immigration (formerly S. 1394). (*1996 CQ Almanac*, Washington, D.C.: CQ Inc., 1997, pp. 5-4 to 5-5)

March

Simpson negotiates amendments with Senator Jon Kyl (R-AZ) to make S. 1664 more attractive and relies on Senator Diane Feinstein (D-CA) to encourage bipartisan support, while EMK proposes several amendments to curb a bill he believes is too harsh. He particularly objects to "spouse-and-sponsor" income eligibility requirements to means-based entitlements for sponsored immigrants, which shifts the burden from the government to the sponsors and immigrants themselves. Existing sponsored immigrants could not qualify for benefits for five years and future sponsored immigrants could not qualify for ten. EMK first tries to amend the bill to remove the requirements altogether but loses 7-8. He then tries to exempt education entitlements, like Pell Grants, but loses 7-9. The Judiciary Committee does, however, approve his amendment allowing prenatal aid to women illegally in the U.S. for three years, since children from those pregnancies will be U.S. citizens. The bill passes the Judiciary Subcommittee 13-4, with EMK voting against it. (*1996 CQ Almanac*, pp. 5-6 to 5-7)

After passing S. 1664, the Judiciary Committee takes up S. 1665 focusing on legal immigration. The Committee approves by a vote of 11-4 an amendment by EMK and Senator Spencer Abraham (R-MI) to increase the family reunification visas to 500,000 in order to clear out the backlog of applicants under the 1986 changes to the preference system. After ten years, the number of family reunification visas would drop to 425,000. EMK and Abraham also reintroduce preferences for extended family, which the original version had mostly removed. The amendment also preserves EMK's "diversity" visa program, which had helped European and African immigrants enter the U.S., but reduces the number of visas annually from 55,000 to 27,000. Simpson's original bill had eliminated the program. (*1996 CQ Almanac*, pp. 5-7 to 5-10)

Business lobbyists fight hard to remove employer penalties and restrictions on hiring foreign workers through the bill's H-1B program. The committee rejects 5-10 EMK's amendment to force employers to seek and hire qualified Americans before foreign workers. EMK's amendment to reduce the 140,000 cap on immigrant workers to 100,000 fails 7-9, but elimination of the 10,000 slots set

aside for unskilled labor passes. The bill passes the Judiciary Committee by a 13-4 vote. (1996 *CQ Almanac*, p. 5-8, 5-10)

April-May When S. 1664 reaches the Senate floor, Democrats try to amend it with increases in the minimum wage, causing Senate Majority Bob Dole (R-KS) to remove it from the floor. Eight days later, the Senate considers the illegal immigration bill with managers avoiding minimum wage amendments. Simpson proposes legal immigration restrictions in an amendment to the illegal immigration bill, effectively rejoining what the Judiciary Committee had split. The amendment fails. Feinstein introduces a less strict set of legal immigration restrictions, but her amendment is tabled after strong criticism from EMK. (1996 *CQ Almanac*, pp. 5-11 to 5-12, Gimpel and Edwards, pp. 266-267)

September Clinton insists on attaching the conference committee compromise to the omnibus appropriations bill. Clinton expresses concern about signing the bill, and EMK works with him on removal of the remaining restrictions on welfare benefits for sponsored immigrants. Republicans concede, thus removing what is left of Simpson's original program to curb legal immigration. The bill is adopted by the conference committee, then Congress and is signed by Clinton. (1996 *CQ Almanac*, pp. 5-16 to 5-17)

1997

October-November EMK joins Senator Connie Mack (R-FL) and Bob Graham (D-FL) to pass an amendment to an appropriations bill to prevent the deportation of refugees from Guatemala, El Salvador and Nicaragua required under the 1996 changes to immigration law. Senator Carol Moseley-Braun (D-IL) prevents further action on the appropriations bill demanding that inclusion of Haitians. Senate Republican leaders draft a bill addressing the original refugee concerns, while Clinton assures Moseley-Braun and other members of the Congressional Black Caucus that Haitians will not be deported. (1997 *CQ Almanac*, p. 5-12)

June-August Congress restores some welfare benefits to legal immigrants that the 1996 law had revoked. Benefits restored include eligibility for Supplemental Social Security Income, Medicaid coverage for disabled children, food stamps and job training. (1997 *CQ Almanac*, p. 2-47)

October The Senate passes a bill funding USDA research for the next five years. The bill also restores \$800 million in food stamps to elderly and disabled legal immigrants and asylees. (1998 *CQ Almanac*, p. 4-3)

1998

March-April When the USDA conference report arrives in the Senate, Republican Senators attempt to block it by allocating the food stamp funding to highway improvement. When the report moves forward with the food stamps provision intact, Gramm

(R-TX) puts a hold on it. Nutrition and farm groups convince 70 Senators to consider the bill, pressuring Gramm to remove the hold. The bill passes after attempts to recommit it fail. (*1998 CQ Almanac*, pp. 4-4 to 4-6)

April Abraham proposes legislation expanding the 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 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 then supports the bill; EMK remains opposed. (*1998 CQ Almanac*, pp. 17-3 to 17-4)

May The Senate passes the H-1B bill by a vote of 78–20. (*1998 CQ 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. (*1998 CQ 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 CQ 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 employers hire U.S. applicants over H-1B applicants. (*1998 CQ Almanac*, pp. 17-7 to 17-8)

October Senator Tom Harkin (D-IA) blocks Senate consideration of the House H-1B bill . Abraham believes the bill to be dead. A coalition of 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 incur significant financial penalties for laying off workers and be required to pay a \$500 fee for H-1B visa applications and renewals, with the money funding scholarships for low-income college students in technology-oriented majors. The number of H-1B visas 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 it at the end of the month. (*1998 CQ Almanac*, pp. 17-3, 17-7 to 17-9)

2000

March During Judiciary Committee consideration of S. 2045, Hatch's bill to increase the number of H-1B visas to 195,000 until 2003 to alleviate technology-sector labor shortages, EMK attempts to lower the number to 145,000 until 2002 and increase from \$500 to \$1000-3000 the fee companies pay, depending on their size, when hiring a H-1B employee, with revenue continuing to fund scholarships for low-income college students in technology-oriented fields. The amendment fails by a

vote of 8-10 and the bill easily passes the committee by a 16-2 vote. (2000 CQ Almanac, 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 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 CQ Almanac, p. 15-9)

After the immigration provisions fail to make it onto S. 2045, Democrats propose three amendments together called the Latino and Immigrant Fairness Act to the Commerce-Justice-State appropriations bill. Of the three, the Appropriations Committee accepts one 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 CQ Almanac, pp. 2-33, 2-35)

October The Senate passes Hatch's H-1B bill without other immigration amendments by a vote of 96-1. The House quickly follows, and Clinton signs it on the 17th. (2000 CQ Almanac, pp. 15-3, 15-12 to 15-13)

Clinton threatens to veto the CJS appropriations bill if the amnesty program and easing of entrance restrictions are not included in it. (2000 CQ Almanac, p. 2-35)

November Clinton, Hatch and other key figures negotiate amnesty and entrance amendments to the Commerce-State-Justice appropriations bill, with the key issue being how much to reduce the scope of amnesty. (2000 CQ Almanac, pp. 2-36 to 2-37)

December In the final form of the Commerce-State-Justice appropriations bill, spouses and children of permanent legal residents can obtain temporary visas until they become legal residents themselves. Illegal aliens not given amnesty under the 1986 bill can join two class-action lawsuits suing for permanent residency. The bill also reinstates the 245(i) program to allow those overstaying their visas to remain while their permanent residency applications are processed although it is extended only for four months, requiring qualified applicants to apply within that timeframe. (2000 CQ Almanac, p. 2-39)

2001

July The Senate Appropriations Committee includes a permanent extension of the 245(i) program in the Commerce-State-Justice appropriations bill, which passes the committee and Senate floor. (2001 CQ Almanac, 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. Bush aides indicate the president is interested in expanded border control, increased guest worker programs and amnesty for selected workers. (*The New York Times*, 9/6/2001)

The Commerce-State-Justice appropriations bill conference committee adopts the House's four-month temporary extension of the 245(i) program over the Senate's permanent extension. (*2001 CQ Almanac*, p. 2-12)

Terrorists attack the World Trade Center and Pentagon on 9/11.

November EMK co-sponsors legislation with Senator Sam Brownback (R-KS) to increase cooperation between the CIA, State Department and the INS on sharing information on foreign nationals and suspected terrorists in the U.S. The bill competes with a similar but more conservative Feinstein-Kyl bill. EMK tells a news conference that while there was an "urgent need" to strengthen security and increase the monitoring of foreign nationals in the U.S., it must be done "in ways that live up to our history and heritage as a nation of immigrants." "Immigrants are not the problem. Terrorists are the problem." (*The New York Times*, 11/02/2001)

The Senate Judiciary Committee holds hearings with Attorney General John Ashcroft about the detention of hundreds of people on immigration charges. EMK publicly supports Ashcroft's plan to provide incentives to immigrants to cooperate with terrorism investigations, offering potential expedited paths to citizenships in exchange for information about terrorist suspects. The initiative, which Ashcroft calls the Responsible Cooperators Program, was originally put in place in 1994 as part of a law aimed at reducing violent crime. It expired in September, but a bipartisan bill renewing the program was quickly enacted and signed into law on October 1st. (*The New York Times*, 11/28/2001, 11/30/2001)

December EMK, Brownback, Feinstein and Kyl sponsor compromise legislation on post-9/11 immigration reform. 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 they 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*, 12/6/2001)

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 CQ Almanac*, pp. 13-7 to 13-8)

2002

- March* Four top INS officials resign after an investigation uncovers that two of the September 11th attackers remained in the U.S. because of INS failure to update their visa status. (*The New York Times*, 3/16/2002)
- April* The Senate passes the EMK-Brownback-Feinstein-Kyl bill to increase the number of immigration inspectors and investigators, require universities to keep better track of foreign students and heighten scrutiny of visa applications from foreign countries listed as sponsors of terrorism. The bill will increase cooperation between the State Department, which issues visas, and the FBI and CIA. The federal government would have to issue machine-readable, tamper-resistant visas and travel documents imprinted with identifiers such as fingerprints or retina scans. Senator Robert Byrd (D-WVA) successfully fights an amnesty provision supported by the Bush Administration, which is dropped from the bill. EMK says, "Immigration is not the problem; terrorism is. We must identify and isolate potential terrorists, not isolate America." (*The New York Times*, 04/19/2002)
- May* The House agrees to the Senate version of the border security bill passed in April 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 CQ, p. 13-7)
- Congress passes a farm bill containing a provision restoring food stamp benefits to legal permanent residents who have lived in the U.S. for five years, recently arrived children, the disabled and refugees. (2002 CQ Almanac, p. 4-4)
- June* During a Senate Judiciary Committee hearing, Colleen Rowley, a lawyer for the FBI office in Minneapolis, blows the whistle on the FBI's bureaucratic inertia that many fault for failing to bring information relevant to the 9/11 attacks to the attention of policymakers. Rowley receives national attention after sending a critical letter to FBI Director Robert Mueller in which she bitterly criticizes the performance of FBI headquarters agents who handled the case of Zacarias Moussaoui, who is accused of being the 20th hijacker. Some Democrats criticize Mueller and Ashcroft for their decision to loosen restrictions on the FBI that limit its ability to investigate and monitor militant groups. EMK criticizes the Justice Department's new visa-holder-registration policy, which calls for the fingerprinting of roughly 100,000 foreigners in the U.S. (*The New York Times*, 06/07/2002)
- Bush announces plans to create a Department of Homeland Security, which would absorb a huge swath of the executive branch, including the Coast Guard, Secret Service, FEMA, INS and Customs Service, as well as a new agency to be in charge of airport security, the Transportation Security Administration. EMK expresses concern for the element of secrecy in the White House's planning and lack of consultation with Congress. (*The Washington Post*, 06/07/2002)

- July* The Senate debates Bush's proposal to create the Department of Homeland Security, including moving INS into it. EMK, who has been working with Lieberman on overall INS reform, is skeptical of moving it from the Justice Department. "Simply moving immigration functions into a new, larger department without instituting essential reforms will not solve the agency's problems or enhance our security... The administration's plan fails to reorganize INS and instead buries immigration." (*The Washington Post*, 07/30/2002)
- September* Senate work on Homeland Security stalls as Democratic opposition grows to proposed labor regulations aimed at keeping unions out of the new department. Roughly thirty percent of the 170,000 employees who would constitute the new department are union members, but the Administration does not want to allow them the right to join unions or engage in collective bargaining and threatens to veto any Senate bill sent to the president including such provisions. EMK, Lieberman, Barbara Mikulski (D-MD), Barbara Boxer (D-CA) and Hillary Clinton (D-NY) meet with nearly 200 union members on Capitol Hill to reaffirm their support for union rights in the proposed department. (*The Washington Post*, 09/05/2002)
- November* By a vote of 90-9, the Senate approves a bill to create the Department of Homeland Security. EMK is one of eight Democrats who, with Independent James M. Jeffords (VT), vote against the bill. (*The Washington Post*, 11/20/2002)

2004

- October* The Senate passes a bill massively overhauling government intelligence bureaucracy after rejecting amendments on immigration. The House passes a weaker bill that includes immigration provisions, such as expediting the deportation of immigrants charged with a crime if they have lived in the U.S. for fewer than five years. (*2004 CQ Almanac*, pp. 11-4 to 11-5)
- December* The conference committee removes a prohibition on states issuing drivers licenses to illegal immigrants but includes several other House provisions. The report requires all visa applicants to be interviewed in person by U.S. consular official and to increase the number of consular officers by 150. The report also retains language setting stricter standards for personal identification. (*2004 CQ Almanac*, p.11-9)

2005

- May* EMK and Senator John McCain (R-AZ) unveil their comprehensive immigration bill to tighten border patrols, establish a temporary visa program and create a pathway for illegal aliens to become citizens. EMK and McCain had reportedly worked with the Bush White House to help build broad support for the bipartisan legislation. (*The Boston Globe*, 5/13/2005)

July A second immigration bill is introduced by Kyl and Senator John Cornyn (R-TX), which is a more conservative version of the EMK-McCain bill. The bill would allow foreign nationals to work in the U.S. for up to two years before returning to their home countries and would require illegal immigrants already here to return home before applying to join that program. The bill would also add 10,000 new Border Patrol officers, 1,250 customs officers, more jail space and \$5 billion for high-tech improvements to border control. (*The Houston Chronicle*, 07/20/2005)

December The House passes a more conservative immigration bill than the EMK-McCain bill. House GOP leaders particularly oppose any kind of amnesty program for illegal aliens. The House bill requires businesses to verify workers' legal status and increases sentences for those smuggling immigrants across the U.S. border. It also expands the grounds on which immigrants can be deported and authorizes local police to enforce federal immigration laws. The legislation makes being in the U.S. illegally a felony. It also authorizes the building of a two-layer border fence with surveillance cameras, lighting and motion sensors. The business lobby expresses dissatisfaction with the lack of a temporary worker program, while Hispanic/Latino groups and the Catholic Church object to punitive nature of the bill. (*The Atlanta Journal-Constitution*, 12/17/2005)

2006

April The Senate Judiciary Committee passes the EMK-McCain immigration bill. Senate Majority Leader Bill Frist (R-TN) offers as a substitute a narrower version with greater focus on border security. Frist asks Judiciary Committee Chair Arlen Specter (R-PA), to help find votes to break a filibuster, but the Frist substitution bill makes no headway. (*Sacramento Bee*, 4/3/2006)

May The Senate passes the EMK-McCain immigration bill containing provisions to tighten border security, such as ordering the deportation of illegal immigrants convicted of a felony or three misdemeanors, build a 370-mile triple-layer fence between the U.S. and Mexico, and declares English the U.S. national language. It also contains a guest worker program and a path for illegal immigrants to become citizens. The guest worker program would admit 200,000 foreign workers for U.S. employers who cannot find U.S. workers to fill positions. The bill also creates a second guest worker program for immigrant farm workers who can earn permanent legal residency. The path to citizenship divides illegal immigrants into three categories. Those who have been in the U.S. for more than five years can become citizens if they demonstrate employment for three years, pass security checks, pay fines and back taxes and enroll in English classes. Those who have been in the U.S. for two to five years have to leave the U.S., then apply for a work visa and return as guest workers. Once here, they can then apply for permanent residency. Those who have been in the U.S. for fewer than two years have to leave the U.S. without a guarantee of being admitted as guest workers. The bill also contains a worker verification system. Critics of the House bill, including La

Raza and the Catholic Church, line up behind the Senate bill. (*The New York Times*, 5/26/2006; *Milwaukee Journal Sentinel*, 5/26/2006)

September Efforts to reach compromise legislation between the House and Senate immigration bills collapse, as Senate leaders turn from comprehensive legislation to building a border fence. The collapse comes after House GOP leaders have spent much of the summer holding field hearings, which backers of the bipartisan plan label as delay tactics meant to drum up anti-immigration sentiments. (*The Washington Post*, 9/30/2006)

2007

March Efforts to revive the EMK-McCain legislation reportedly stall as McCain, who is running for president, continues to draw strong criticism from the right for his work with EMK and his position on “amnesty.” The press also reports that EMK’s demand for labor-related provisions such as wage guarantees is a sticking point. (*The Boston Globe*, 3/22/2007; *U.S. News & World Report*, 5/21/2007)

Spring EMK and the White House begin working with Senator Jon Kyl (R-AZ) to revive the Senate’s bipartisan immigration bill. Kyl and Cornyn had sponsored an immigration bill the previous year that was more in line with the conservative House bill. (*The Washington Times*, 5/9/2007)

May Senate leaders from both parties announce they have reached an agreement on immigration that would tighten border security and create guest worker and path-to-citizenship programs. As a concession to conservatives, the plan would shift the U.S. visa system from family- to merit-based, in which a point system would evaluate visa candidates on the basis of job skills, education and English language proficiency. However, foreign-born spouses and minor children would continue to receive preference for visas. (*The New York Times*, 5/18/2007)

June Facing bipartisan opposition, the EMK-Kyl-Bush Administration-backed immigration compromise collapses when the Senate is unable to break a filibuster and move to a final vote. Senate Majority Leader Harry Reid (D-NV) pulls the bill from the Senate floor for the second time this month. The press reports that the bill will not likely come up again before the 2008 presidential election. (*The Washington Post*, 6/29/2007; *Los Angeles Times*, 6/29/2007)

EMK IMMIGRATION LEGISLATION KEY FIGURES

Prepared by James McGill Patterson

Miller Center of Public Affairs, University of Virginia, 1/30/2006

Senators Sam J. Ervin (D-NC) and Everett Dirksen (R-IL):

During consideration of the Johnson-led 1965 immigration reform bill, Ervin and Dirksen represent organizations opposed to unlimited immigration, such as the American Legion and the American Coalition of Patriotic Societies. The bill passes the Senate so smoothly in part because of their amendment to limit Western Hemisphere immigrants to 120,000 annually.

Senator James O. Eastland (D-MS):

Under Eastland's chairing of the Senate Judiciary Committee, few bills concerning significant immigration reform beyond the 1965 bill are considered. Eastland's conservative stance on immigration likely contributes to the dearth of legislation, since the considerable amount of extensive legislation on immigration following his retirement.

Senator Alan K. Simpson (R-WY):

During his tenure on the Senate Judiciary Committee, Simpson acts as EMK's conservative counterpart to immigration reform. His primary concern with immigration is how legal and illegal immigration affect the health of the U.S. economy, as opposed to EMK's human rights concerns with family reunification and U.S. harboring refugees from nations in violent conflict. Not surprisingly, the success of EMK's or Simpson's legislation in large part depended on how much support they drew for their opponent. After the Republicans gain the majority in the Senate, he chairs the Senate Judiciary subcommittee on Immigration.

Simpson identifies two motives for illegal immigration, state support for low income citizens and better employment possibilities, and wishes to reform immigration around those two motives. Simpson's reform is two-pronged. The first reform is illegal immigration. Aside from the obvious, such as better-funded and more strictly executed border control, Simpson wants to create a registry of legal workers to filter out illegal workers from the workforce. Employers found hiring illegal workers would then be penalized and, possibly, imprisoned. Also, illegal aliens would not qualify for federal welfare benefits. During some legislative negotiations, Simpson's illegal immigration policies would not win him many friends with the business interests, who often benefited from the inexpensive labor illegal workers offer, his party represents; however, Simpson placates business interests with his reforms to legal immigration. His legislation would create and expand temporary foreign work programs, limited amnesty for current illegal workers, and setting aside spots in the total annual legal immigration cap for skilled and unskilled workers.

Representative Romano L. Mazzoli (D-KY):

Mazzoli is Simpson's partner in the House. He frequently runs into greater resistance over immigration reform, usually because House Democrats struggle to form an internal consensus.

Representative Thomas P. O'Neill (D-MA):

As House Chair, "Tip" O'Neill often refuses to introduce immigration reform to the floor or does not endorse it if it even reaches the floor, likely because the rifts it might cause among House Democrats and the fear that either because President Reagan or Republicans could claim victory.

Representative Hamilton Fish (R-NY):

Fish serves as a Republican leader of the House Immigration Subcommittee and a key source of compromise over immigration reform.

Senator Charles E. Grassley (R-IA):

Grassley is involved in many Senate fights in the 1980s on immigration reform, leading up to the 1986 bill, and is also a player in the 1996 immigration bill.

Senator Howard M. Metzenbaum (D-OH):

Metzenbaum offers a compromise when Democrats oppose Simpson's immigration reform in the Senate Judiciary Committee. The compromise permits the delayed and limited amnesty in exchange for making the consistent hiring of illegal workers a criminal offense.

Representative Peter Rodino (D-NJ):

Rodino serves as House Chair of the Judiciary Committee during the years considering Simpson-Mazzoli immigration reform bill.

Representative Barbara Jordan (D-TX):

President Bill Clinton appoints Jordan to as chair of the commission authorized by passage of a bill in 1990 to examine U.S. immigration policy and possibilities for reform.

Representative Lamar Smith (R-TX):

Chair of the House Judiciary Subcommittee on Immigration, Smith leads the immigration reform in 1995-1996, working closely with Simpson.

Senator Spencer Abraham (R-MI):

Abraham becomes chair of Senate Judiciary Subcommittee on Immigration following Simpson's retirement.

Senator Diane Feinstein (D-CA):

Feinstein plays a key role in negotiating immigration reform over the last decade. She splits her positions between illegal and legal immigration, being tough on the former and progressive on the latter. She specifically works on the 1996 immigration bill, the 1998

H-1B legislation, and the post-9/11 legislation to help the federal government monitor foreign nationals within the U.S.

Senator Jon Kyl (R-AZ):

Kyl plays an important role in immigration reform over the last decade, at times working with EMK to build bipartisan support for immigration reform. He specifically works on the 1996 immigration bill, the 1998 H-1B legislation, the post-9/11 legislation to help the federal government monitor foreign nationals within the U.S., and comprehensive immigration reform in 2005-2007.

Senator Sam Brownback (R-KS):

Brownback cosponsors post-9/11 legislation with EMK to help the federal government monitor foreign nationals within the U.S.

Senator John McCain (R-AZ):

McCain works with both EMK and the Bush White House to cosponsor comprehensive immigration legislation in 2005; he is later replaced as EMK's cosponsor by Senator Kyl in 2007; McCain is currently running for president in 2008.

1965 IMMIGRATION LEGISLATION

Prepared by Emily Jane Charnock

Miller Center of Public Affairs, University of Virginia, 3/29/2007

THE BILLS

Provisions of Administration Bill

- Eliminate the national-origins quota system over a five-year period (reduce each countries' allocation by 20% each year)
- Establish an Immigration Board, consisting of seven members (three appointed by the president, two by the President of the Senate and two by the Speaker of the House). The Board would advise on the allocation of quotas and admission of skilled individuals in response to labor shortages.
- Provide presidential discretion, on the recommendation of the Immigration Board, to set aside up to 20% of the visas for refugee groups in emergency circumstances.
- Retains the preference system from the 1952 Act but add a further category for certain skilled workers. (Kennedy, p. 140)
- Abolish the Asia-Pacific triangle provision.

Major provisions of Final Bill:

- Cap non-Western Hemisphere immigration at 170,000 annually.
- Establish seven preference categories, with first preference going to adult, unmarried children of U.S. citizens. The other categories include other relatives of U.S. citizens and residents (three more categories), professional and skilled workers (two categories), and displaced persons/refugees (one category).
- Cap Western Hemisphere immigration at 120,000 annually, with visas awarded on a first-come first-served basis.
- Abolishes the Asia-Pacific Triangle provision, which required immigrants from non-white Asian countries to apply under the country quota associated with their racial origin.

GROUPS IN FAVOR/OPPOSED

In favor	Opposed
ACLU	Liberty Lobby
AFL-CIO	American Committee on Immigration Policies
American Veterans Committee	National Economic Council
American Immigration and Citizenship Conference	New Jersey Coalition
National Committee for Immigration Reform	Republican Committee of One Hundred
National Council of Churches of Christ	American Coalition of Patriotic Societies (support the Feighan bill. Feighan persuades them not to oppose the final bill following negotiations with the administration)
National Catholic Welfare Conference	American Legion (support the Feighan bill. Feighan persuades them not to oppose the final bill following negotiations with the administration)

Lutheran Immigration Service	Daughters of the American Revolution
Numerous minority ethnic groups, such as the American Committee for Italian Migration, the National Council of Jewish Women, and the Japanese American Citizens League	

Source: *1965 CQ Almanac*, pp. 464, 475, 480; Clymer,

Despite the long list of opposing groups, CQ notes that according to reports obtained by them “there was relatively little strong, organized opposition to the immigration bill by large organizations.” (*1965 CQ Almanac*, p. 480)

(Sources: *1965 CQ Almanac*)

THE HESBURGH COMMISSION (AND ENSUING LEGISLATION: 1980-1990)

Prepared by Rob Martin

Miller Center of Public Affairs, University of Virginia, 9/05/2007

The Select Commission on Immigration and Refugee Policy (the Hesburgh Commission)

was created by Congress in 1978 to study the Immigration and Nationality Act and the massive increase in legal and illegal immigration into the U.S. that had occurred since it was amended in 1965. The 1965 law, which attempted to end discriminatory immigration practices by ending the national origins quota system, created a new system emphasizing family reunification and new refugee admissions categories. However, both family unification and the influx of new refugees (largely from Cuba and Indochina) created an unprecedented surge in immigration, which was compounded by the lack of enforcement provisions to limit illegal immigration. Other concerns reportedly included that the 1965 law had gone too far in restricting European immigration, and that U.S. immigration code had become too long and complex. Congress created the commission after Carter had asked Congress the year before to prohibit the hiring of illegal aliens and to give legal status to illegal aliens living in the U.S. since 1970.

The commission consisted of 16 members: Carter appointed former Florida Governor Reubin Askew chairman, who was quickly replaced by Notre Dame President Theodore Hesburgh after Askew was named USTR in 1979. Carter also appointed California Appeals Court Justice Cruz Reynoso, Japanese-American lawyer Rose Matsui Ochi, and labor leader Joaquin Otero as the other three public members. From the Senate Carter appointed EMK, Dennis DeConcini (D-AZ), Charles Mathias (R-MD) and Alan Simpson (R-WY). From the House, the Speaker appointed Elizabeth Holtzman (D-NY), Peter Rodino (D-NJ), Charles McClory (R-IL) and Hamilton Fish Jr. (R-NY). The four cabinet members included Labor Secretary Ray Marshall, HEW Secretary Patricia Roberts Harris, Attorney General Ben Civiletti (later replaced by Griffin Bell) and Secretary of State Ed Muskie (later replaced by Cy Vance).

The commission released its report in March, 1981, which supported the principle that legal immigration should be continued into the U.S. regardless of race, but cautioned that immigration levels have been rising “out of control.” The report called for a “modest increase” in legal immigration and a one-time limited amnesty program for many illegal immigrants already living in the U.S., coupled with tougher border controls and employer sanctions for hiring illegal immigrants. The report also called for (by a 8-7 vote) “some system” a national worker identification program. Hesburgh later criticized the report for not taking a stronger position to endorse an upgraded social security card. EMK criticized the report’s recommendation that tougher enforcement mechanisms must be in place before legalization could begin.

Reagan drew from the reports of the Hesburgh commission and a special task force he had appointed to review the findings to release his own proposal later in 1981. The proposal called for increased border patrols, strengthening employer sanctions for employing illegal workers, creating a temporary guest worker program for Mexicans, and granting amnesty to roughly 3 million illegal immigrants already living in the U.S.

The commission's report helped lead the way for Congress to enact three pieces of legislation. Congress first passed (even before the final report had been released) **the Refugee Act of 1980**, which separated refugee admissions from the rest of the U.S. immigration system. It established systematic procedures for admitting refugees and created a refugee resettlement program. EMK, the Judiciary chairman, was the bill's chief sponsor and said that previously refugees had been admitted into the U.S. on a piecemeal basis "in fits and starts." The law replaced the Indo-Chinese Refugee Assistance Act and a number of other temporary refugee programs.

When repeated efforts by Simpson and Rep. Mazzoli (D-KY) in the early 1980s to pass comprehensive legislation addressing both legal and illegal immigration were unsuccessful, Congress went on to pass two separate bills. **The 1986 Immigration Reform and Control Act**, sponsored by Simpson in the Senate, addressed illegal immigration, imposing employer sanctions for hiring illegal aliens, creating an amnesty program, and tightening border enforcement. EMK supported much of the bill along the way, but had consistently fought between 1982 and 1986 to add provisions to end employer sanctions should they later prove to be discriminatory and to further liberalize the amnesty program. According to *CQ*, the bill represented the biggest overhaul of the nation's immigration laws since the McCarran-Walter Act of 1952.

The Immigration Act of 1990 then turned to legal immigration, raising legal immigration levels, particularly for Europeans (who had been adversely affected by the 1965 law) and for skilled labor. The act also created the Commission on Immigration Reform (the Jordan Commission) to study the impact of the new legislation and the effectiveness of current immigration laws. EMK, who was the bill's lead sponsor in the Senate, said, "By rejecting the imbalances which have inadvertently developed in recent years, we will again open our doors to those who no longer have immediate family ties to the United States." (*1990 CQ Almanac*, p. 474). EMK worked closely with Simpson, who also sponsored the bill. According to *CQ*, the bill represented the most sweeping revision of legal-immigration laws since the 1965 act.

(Sources: *The 1979, 1980, 1986 and 1990 CQ Almanacs*; James G. Gimpel and James R. Edwards, Jr., *The Congressional Politics of Immigration Reform*, Allyn and Bacon: Boston, 1999; Vernon Briggs, "Report of the Select Commission on Immigration and Refugee Policy: A Critique," *Texas Business Review*, January-February 1982)

IMMIGRATION REFORM AND CONTROL ACT OF 1986

Prepared by Nadia Shairzay

Miller Center of Public Affairs, University of Virginia, 04/10/06

United States immigration laws were overhauled in 1986 with the passage of the 1986 Immigration Reform and Control Act (S 1200-PL 99-603). This marked the first time that there were a comprehensive revamping of U.S immigration laws since 1952 and the McCarran-Walter Act (PL 82-414) and the subsequent 1965 amendments. Prior to 1986 it was illegal for undocumented workers to enter the country and work in the U.S, but it was not illegal for employers to hire them. The 1986 bill addressed this confusing aspect by enacting employer sanctions. Employers who knowingly hired illegal immigrants would be fined, or in some cases, jailed. The bill also provided amnesty to illegal aliens who had been living in the United States prior to January 1, 1982. The bill had to balance the conflicting interests of controlling the entry of illegal immigrants, while also not undermining groups who relied upon undocumented workers, namely Western growers. To address the needs of the latter group, the bill provided temporary resident status for 350,000 undocumented workers so long as they could prove that they worked at least 90 days at an agricultural job in the U.S between May 1985 and May 1986. The bill was also significant because, for the first time, it made it illegal to discriminate against legal immigrants. To hear cases of discrimination the bill also established a new office in the Justice Department to investigate employer discrimination. President Ronald Reagan caused some controversy when he signed the bill stating that he interpreted the anti-discrimination provisions to require proof of the employer's "discriminatory intent." This upset some Democrats in Congress and Hispanic interest groups.

Impetus for the 1986 legislation started in 1978 with President Jimmy Carter's Select Commission on Immigration and Refugee Policy. Senator Edward Kennedy (EMK) was a member of the select commission. In 1981 the select commission became a subcommittee of the Senate Judiciary Committee. There were three members, EMK, Senator Alan Simpson (R-WY) and Senator Dennis DeConcini (D-AZ). Simpson was the chairman. Based upon the findings of the select commission and pressure from Western and Southern states to curb the number of illegal immigrants, Reagan in 1981 proposed a series of immigration reform measures. The administration's reforms called for increased border patrol enforcement, employer sanctions and a temporary worker program for 50,000 workers from Mexico. Simpson and Chairman of the House Subcommittee on Immigration, Romano Mazzoli (D-KY), joined forces to get new immigration laws passed through Congress. They crafted S 2222/H.R. 7357 which included the administration's proposals as well as the creation of a national identity card. Throughout the bill's history, EMK opposed national identity cards and employer sanctions, arguing that they could cause employers to discriminate against Hispanic workers. In 1982 the Senate passed this bill, although Congress was unable to complete action on it before adjournment.

Between 1981 and 1986, Simpson and Mazzoli proposed their immigration reform bill many times, until it finally passed Congress in 1986.

1981 The Select Commission on Immigration and Refugee Policy became the Senate Judiciary Subcommittee for Immigration and Refugee Policy. The Commission's report became incorporated into Reagan's immigration reform plan. This included increased border patrols, employer sanctions and a temporary guest worker program. Simpson and Mazzoli proposed a comprehensive overhaul of

immigration law with S 2222 in August. The bill was based on the findings of the Select Commission and on Reagan's immigration plan.

1982

The Senate Judiciary Committee reviewed S 2222 in May. The Simpson- Mazzoli bill offered permanent residence to those who had entered the U.S before January 1, 1978. In committee, EMK proposed an amendment to change the date to January 1, 1982. The committee passed this amendment with a vote of 8-6. EMK proposed an amendment to require that the president, after three years, certify that the employer sanctions were not discriminating against workers. The amendment was rejected, 3-12. On May 27, the Senate Judiciary Committee voted 16-1, to report S 2222. EMK cast the only dissenting vote.

On August 17, the Senate passed S 2222, 80-19. Hispanic groups protested the legislation, arguing that the employer sanctions would cause employers to discriminate against Hispanics. While the bill was on the Senate floor, Kennedy again proposed an amendment to require a presidential review of the sanctions. It was rejected, 22-69.

The House version of S 2222, HR 7357, received stiff opposition from Hispanic groups like the Congressional Hispanic Caucus and the Mexican American Legal Defense Fund. The AFL-CIO supported the employer sanctions but wanted more control over the temporary worker program. The House was unable to act on HR 7357 before adjournment and the bill died.

1983

In April, S 529 (newly-introduced Simpson-Mazzoli legislation, similar to S 2222) was reviewed in the Senate Judiciary Committee. EMK proposed three amendments, which were rejected. The first was a new addition to the bill and would require presidential certification that the sanctions were not discriminatory after five years. The second was to increase immigration quota from the bill's 425,000 to 465,000. Finally, the third amendment sought to change the eligibility date for temporary resident status from January 1, 1980 to December 31, 1981. The committee voted to report the bill, 13-4. EMK and Senators John East (R-NC), Howell Heflin (D-AL) and Dennis DeConcini (D-AZ) voted against it.

S 529 was debated in the Senate in May. EMK continued to oppose the employer sanctions although he did work with Simpson to create an amendment to expand judicial review for those who were denied political asylum. EMK proposed two amendments to provide for a review of the employer sanctions and to change the eligibility date for temporary resident status from January 1, 1980 to December 31, 1981. Both were rejected. On May 18, the Senate passed S 529, 76-18.

On October 4, House Speaker Tip O'Neil (D-MA) prevented the House version of the bill, HR 1510, from coming to the floor. O'Neil did this because of opposition from the Congressional Hispanic Caucus, his belief that Reagan would veto the bill and to court the Hispanic vote for his upcoming election.

1984 With S 529 having already been passed by the Senate in 1983, the Simpson-Mazzoli legislation, HR 1510 was once again brought before the House. On June 20, the House narrowly approved the bill 216-211. The bill ultimately failed to pass Congress and died in conference. In July during the National Democratic Convention, Hispanic delegates and interest groups voiced strong qualms about the bill. In late July, the White House said that HR 1510 was not feasible because it was too expensive. HR 1510 granted reimbursement to states to cover the costs of the amnesty program. These factors prevented the conferees from reaching a compromise before Congress adjourned.

1985 In July the Senate Judiciary Committee reviewed S 1200, immigration legislation proposed by Simpson and Mazzoli. S 1200 included employer sanctions, a guest worker program and the option to legalize illegal immigrants in the U.S before 1980 if it was determined that S 1200 was successful in cutting back on illegal immigration. This legalization program would happen three years after the passage of the bill. In committee EMK proposed an amendment to start this legalization program right after the bill was passed. This amendment was rejected, 6-8. The committee voted to report S 1200 on July 30. The vote was 12-5, with EMK voting against the bill.

On September 19, the Senate passed S 1200, 69-30. EMK proposed two amendments, one, to end employer sanctions after three years if they proved to be discriminatory and, two, to start the legalization program after the bill's passage. Both amendments failed. The House postponed action on the bill until 1986.

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1990 IMMIGRATION ACT

Prepared by Nadia Shairzay

Miller Center of Public Affairs, University of Virginia, 04/06/06

In the late 1980s Senator Edward Kennedy (EMK) collaborated with Senator Alan Simpson (R- WY) to craft immigration reform to change the visa system and let in more skilled immigrants. The effort culminated in 1990 with the passage of PL 101- 649, the 1990 Immigration Act, (S 358). EMK sponsored immigration reform legislation in 1965 to get rid of the national quota system. This had the effect of favoring immigrants with immediate relatives in the United States. An unintended consequence was that 90% of those who subsequently came to the U.S were from Asia and Latin America. Seeking to redress this imbalance and to make it easier for immigrants with needed skills to come to the U.S, EMK and Simpson created a category of “diversity” visas to benefit immigrants from countries who had not benefited from the 1965 law. Of the bill EMK said, “By rejecting the imbalances which have inadvertently developed in recent years, we will again open our doors to those who no longer have immediate family ties to the United States.”

The 1990 Immigration Act also increased immigration from 500,000 to 700,000 for three years, with 675,000 annually thereafter. These numbers did not include refugees or those seeking asylum. As a result of the mid-1980s civil war, many Salvadorans had fled El Salvador to seek refuge and asylum in the U.S illegally. To protect Salvadoran refugees, the bill granted them an 18-month stay of deportation. This provision had its roots in legislation granting a stay of refugee deportation, which passed the House in 1987 (HR 618 and its counterpart, S 332). The 1990 Immigration Act was supported by many ethnic groups for increasing the immigration quota.

The precursor for the 1990 legislation was a bill that was sponsored by EMK and Simpson in 1988 (S 2104). The 1988 bill (enacted as HR 5115--PL 100-658) increased immigration, particularly from Western Europe. It provided for 5,000 visas to go to residents from countries that had little immigration to the U.S in the last 20 years. The main focus of the bill was Ireland in response to a finding by the Irish Embassy in Washington, D.C. that 35,000 to 50,000 Irish were in the U.S illegally and that many were living in Massachusetts. This bill also had a provision to allow for foreign nurses to come and stay in the U.S to alleviate the shortage of nurses.

1987 The Senate Judiciary Committee considered legislation (S 332) to temporarily suspend the deportation of illegal Salvadoran immigrants in the U.S for two years. Senator Dennis DeConcini (D-AZ) was the chief sponsor and Simpson was the chief opponent. During debate in committee, EMK successfully had illegal Nicaraguan immigrants included as well. Simpson was the main Senate opponent to the bill.

On July 28, the House passed HR 618 (its version of S 332). The bill covered about 500,000 Salvadorans and 200,000 Nicaraguans. Opponents of the bill argued that it would embarrass President Ronald Reagan and his support of Salvadoran president, Jose Napoleon Duarte, whom the U.S helped put into power. Proponents of the bill argued that the bill was necessary owing to human rights violations in El Salvador and Nicaragua. While Daniel Ortega, the president of Nicaragua, did not support the bill, Duarte did. He argued, not for human rights

reasons, but because Salvadoran immigrants in the U.S were helping El Salvador by sending \$350 million to \$600 million annually to their families in El Salvador.

1988

On March 15, S 2104, introduced by Simpson and Kennedy and which would later be enacted as HR 5115- PL 100-658, passed the Senate. The House passed the measure on October 5. The bill allowed for more immigrants from Ireland and sought to alleviate the shortage of nurses in the U.S

On November 15, Reagan signed HR 5115--PL 100-658 into law.

1989

In June, the Senate Judiciary Committee discussed S 358, a bill to attract skilled immigrants. The bill was sponsored by EMK and Simpson, although EMK did not support Simpson's immigration point system that would favor English fluency. Asian-American and Hispanic groups were concerned about such language requirements. The language provision was dropped after only Simpson and Senator Strom Thurmond (R-SC) voted to do so.

The Senate approved S 358 on July 13, but the House failed to act on the measure. S 358 sought to put the first ceiling on legal immigration, while also expanding immigration and the emphasis on immigrant skills. The bill put a ceiling on annual visas at 630,000 and created a two-tiered visa allocation system. This allowed for family unification but with more of a focus on immediate family than previous law. The two-tiered system also placed importance on immigrant skills. In the first tier, 480,000 visas were for family immigration. This tier was broken down into family preferences. The first category was for unmarried adult sons and daughters of U.S citizens (24,200 visas); the second was for spouses, and unmarried sons and daughters under the age of 26 for permanent residents (148,000 visas, plus any leftover visas from the first category). The third category was for married sons and daughters of U.S citizens (23,000 visas, plus leftover visas from the first two categories) and finally, brothers and sisters of adult U.S citizens (64,800, plus leftover visas from the first three categories). In the second tier, 150,000 visas were for the new independent category or immigrant skills category.

On November 2, the Senate Judiciary Committee approved S 458, which suspended the deportation of illegal immigrants from El Salvador and Nicaragua for two years. EMK and Senator Paul Simon (D-IL) were supporters of the bill, while Simpson opposed it. Action on the measure was stalled when the House counterpart, HR 45 was stymied in the Senate Immigration Subcommittee.

1990

The House passed S 358 on October 27. Originally the House proposed an increase in immigration to 800,000 in the first three years. In conference the compromise was an increase to 700,000 for the first three years, with a reduction to 675,000 thereafter.

President George H.W. Bush signed S 358- PL 101-649 on November 29.

THE JORDAN COMMISSION

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The Commission on Immigration Reform was created by Congress in the 1990 Immigration Act to study the impact of the new legislation and the effectiveness of current immigration laws. The commission's original mission was to study illegal immigration but was broadened in 1991 by a technical amendment introduced by Senator Alan Simpson (R-WY) to conduct a "comprehensive" study of immigration issues. The creation of the bipartisan Hesburgh Commission in the late 70s had reportedly been seen as a very successful way to study the controversial nature of immigration policy, leading to the passage of three major pieces of legislation over the next ten years.

In 1993, Clinton appointed Rep. Barbara Jordan (D-TX) to chair the nine member bipartisan commission. The commission also included Brandeis professor Lawrence Fuchs, Michael Teitelbaum of the Sloan Foundation in New York, Richard Estrada of the *Dallas Morning News*, former immigration official Harold Ezell, Washington immigration lawyer Robert Charles Hill, Warren Leiden of the American Immigration Lawyers Association, Youth Build USA official Nelson Merced, and immigration lawyer Bruce Morrison.

In September, 1994, the Jordan Commission issued its first report on illegal immigration, which most notably called for the creation of a national worker ID program to verify work eligibility. The commission's second report on legal immigration issued in June 1995 called for cuts in yearly immigration levels, particularly for unskilled labor. It also called for the controversial elimination of non-nuclear preference categories to give greater preference to immediate family members. The commission's recommendations were largely supported by the Clinton Administration, as well as Simpson, who had taken control of the Senate's immigration subcommittee in 1994, and his counterpart in the House, Rep. Lamar Smith (R-TX).

Simpson and Smith sponsored legislation later in the year in 1995 to enact some of the commission's findings, culminating in the 1996 the **Illegal Immigration Reform and Immigrant Responsibility Act**. Simpson had initially tried to pass a comprehensive bill addressing both legal and illegal immigration, but was forced to split the more controversial legislation cutting legal immigration into a separate bill. (The legal immigration bill did not reach the Senate floor.) The 1996 bill on illegal immigration streamlined the removal process, increased border enforcement, established a pilot electronic employment eligibility verification system, and limited immigrant access to welfare benefits. EMK worked with Simpson on the bill and supported many of Simpson's proposals, but most notably differed with Simpson on Simpson's attempt to restrict welfare benefits to legal aliens. EMK also opposed the extent to which Simpson proposed to cut legal immigration, and supported the move to split the legal and illegal immigration legislation into separate bills.

Some critics charged that the 1996 law didn't go far enough in enacting the recommendations of the Jordan Commission – particularly to adopt tough measures to halt the employment of illegal immigrants. Hatch was a primary opponent of such measures. As a result, the Jordan Commission was reportedly not viewed as being as successful as the Hesburgh Commission.