



The Daily Whip

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THURSDAY, FEBRUARY 10, 2005

House Meets At...	Last Vote Predicted At...
10:00 a.m.: Legislative Business Five "One Minutes" Per Side	3:00 p.m.

FLOOR SCHEDULE AND BILL SUMMARY

H.R. 418 - REAL ID Act of 2005 (Rep. Sensenbrenner - Judiciary) (Complete Consideration - Subject to a Rule). This bill recycles numerous controversial provisions that were rejected from the Intelligence Reform Act adopted two months ago. These provisions expand evidentiary standards for asylum seekers; impose new requirements on states for the issuance of driver's licenses and IDs; expand grounds of inadmissibility and deportability; and waive all laws to construct security fences and barriers at the borders. Yesterday, the House completed 1 hour and 40 minutes of general debate on this bill. Today, the House will consider a second rule and the amendments it makes in order.

HR 418 sets new evidentiary standards that would prevent legitimate asylum-seekers from finding refuge in the U.S. This bill would **(1)** require applicants to prove that the "central reason" for their persecution was their: race, religion, national origin, political opinion, or social group – currently, asylum claims based on "mixed-motive" persecution are allowed; **(2)** allow asylum applicants to be denied if they are unable to present "corroborating evidence"; and **(3)** permit credibility determinations to be based on demeanor or the consistency of an applicant's written or oral statements made at any time to any individual and whether or not under oath. **HR 418 hurts asylees not terrorists.** Terrorists, suspected terrorists, persons who have committed certain crimes here and abroad and those deemed a "security risk" are already barred from asylum. None of the 9/11 Hijackers were pursuing claims for asylum.

HR 418 would call on states to require all applicants for a driver's license or ID to prove their US citizenship or lawful presence in the US. This bill would also require that for applicants with temporary visas the expiration date on the driver's license or ID match the visa's expiration date.

- **HR 418 would not have prevented 9/11 Hijackers from obtaining a driver's license or ID.** The central breach of our security was a result of the hijackers having been issued legal visas to come to the US, which many of them used to apply for driver's licenses and identification cards. Even if HR 418 had been in place before the 9/11 attacks, the hijackers would have been able to obtain a driver's license or state-issued ID.
- **HR 418 would upset the regime enacted in the 9/11 Intelligence Reform Bill two months ago.** Among the new driver's license standards established last year are requirements that: licenses contain a digital photograph, employ machine readable technology, contain physical security features to prevent counterfeiting, or duplication; the documents used to establish an applicant's identity are secure; the process for verifying the information on documents used to obtain a driver's license or ID is secure; and that the process of processing and issuing driver's licenses is secure.
- **HR 418 would undermine our intelligence and law enforcement efforts by depriving law enforcement officials of critical information on many adults who are physically in the US.** Because undocumented immigrants would not be in any government database, this bill would eliminate an important opportunity to screen and determine the identity of

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millions of people and assist law enforcement to separate otherwise law abiding, undocumented workers from terrorists or criminals.

- **HR 418 interferes with what is inherently a state responsibility and imposes an unfunded mandate on the states.** The Intelligence Reform Act sets important minimum standards for the use of foreign documents for the purposes of applying for a license or ID, and allows states to continue to set eligibility requirements. State control of the licensing process and related regulatory activities are crucial for maintaining public safety, bolstering security, reducing fraud and protecting privacy.

HR 418 gives the Secretary of Homeland Security the power to waive ALL laws to expedite the construction of physical barriers and roads designed to curb illegal crossings along the borders.

The second rule issued for consideration of this bill makes in order 5 amendments and **self-executes a manager's amendment by Rep. Sensenbrenner**. Among other provisions, the **Sensenbrenner Manager's Amendment**: allows denial of asylum based on immaterial inconsistencies in testimony; allows denial of any kind of relief that could be adjudicated by an immigration judge based on an immaterial inconsistency; bars review by any court, agency, or other entity of decisions by the Secretary of Homeland Security to waive federal laws; and limits review of executive actions by placing restrictions on judicial review and habeas corpus. In addition, this amendment removes the annual cap on the number of individuals granted asylum who can become permanent residents.

The 5 amendments made in order by the rule are debatable for 20 minutes each:

- **Sessions Amendment.** This amendment would require immigrants on temporary visas purchase private bonds against their timely departure from the country.
- **Castle Amendment.** This amendment would require the Department of Homeland Security to add the names of people who have been convicted of using false driver's licenses to board a plane to the appropriate aviation screening database.
- **Kolbe Amendment.** This amendment would require the Department of Homeland Security to study the technology, equipment, and personnel needed to address security within the US and submit a report to Congress with any recommendations.
- **Nadler/Meek Amendment.** This amendment would strike Section 101 of the bill which imposes new burdens on persons seeking asylum. **Democrats are urged to VOTE YES.**
- **Farr Amendment.** This amendment would strike section 102 of the bill regarding waivers to expedite construction of physical barriers and roads along the border.

Daily Quote...

"New and much higher cost estimates for Medicare's drug benefit touched off a storm of concern in Congress on Wednesday, potentially complicating President Bush's ability to persuade lawmakers to support his plans for tax cuts and Social Security overhaul... 'It's going to cast a trillion-dollar shadow over the conservative agenda,' said Robert Moffit, a health policy analyst with the Heritage Foundation."

- From today's *Los Angeles Times*