

## Summary of H.R. 1417, the Border Security Results Act of 2013

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The *Border Security Results Act* (H.R. 1417) passed the House Homeland Security Committee unanimously on May 15, 2013 after two markups and the consideration of over 30 amendments. Unlike the Senate bill, this legislation *requires* no less than a 90% apprehension rate on the entire Southwest Border in 5 years, proven by real metrics – verified by an independent third party. It fixes the current ad hoc approach of continually plugging holes on the border only to see the problem shift, as it has from Arizona to Texas, instead of solved, and finally addresses border security from the top down. The bill requires a national strategy to gain and maintain operational control of the nation's borders first, and once the strategy is approved, resources will be granted in a fiscally responsible way.

Customs and Border Protection and U.S. Coast Guard already have a \$22 billion annual budget. While we know that the national strategy required by this bill will result in Congress appropriating new funds, no new taxpayer dollars will be granted until we know how they will be used. Throwing money at the problem cannot continue.

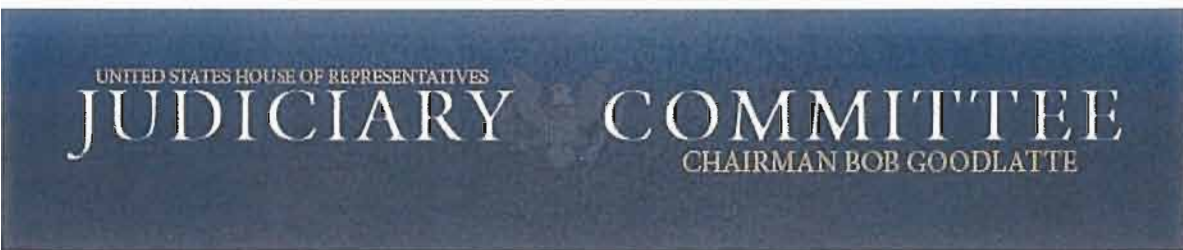
Specifically, the *Border Security Results Act* provides DHS with a roadmap to finally gain control of the border, demands an implementation plan and the creation of valid, verifiable ways to measure progress.

- ✓ **A National Plan:** H.R. 1417 requires DHS to develop a national strategy and implementation plan to gain operational control of the entire Southwest border—defined as apprehending 90% of illegal border crossers—using technology, manpower and physical barriers. DHS must gain operational control of high traffic areas within 2 years, and the entire Southwest border in 5 years.
- ✓ **Situational Awareness:** H.R. 1417 directs the use of advanced technology to achieve visibility of the entire border by incorporating existing taxpayer-owned Department of Defense technology being brought back from Iraq and Afghanistan.
- ✓ **Metrics & Results:** H.R. 1417 mandates the development of metrics to measure border security progress at and between the nation's ports of entry, as well as in the maritime environment, to effectively allocate resources and manpower. *\*The metrics will be developed in consultation with stakeholders including governors from border states and a National Lab, which will provide an additional layer of expertise.*
- ✓ **Independent Verification of Operational Control:** In addition to requiring the Department to report to Congress every step of the way, H.R. 1417 requires GAO, the independent investigative arm of Congress, to verify the strategy, implementation plan, metrics and the mandated results.

For too long the emphasis when discussing border security has been on the number of resources thrown at the problem, but this is only part of the equation. While resources are important, how they are used is infinitely more important. It is time to focus on actual progress. H.R. 1417 will provide real, measurable results. For more information, please visit <http://homeland.house.gov/border-security-results-act>.

*Endorsed by both law enforcement and industry including the Southwest Border Sheriffs, the Major County Sheriffs, the National Sheriffs Association and the Security Industry Association*

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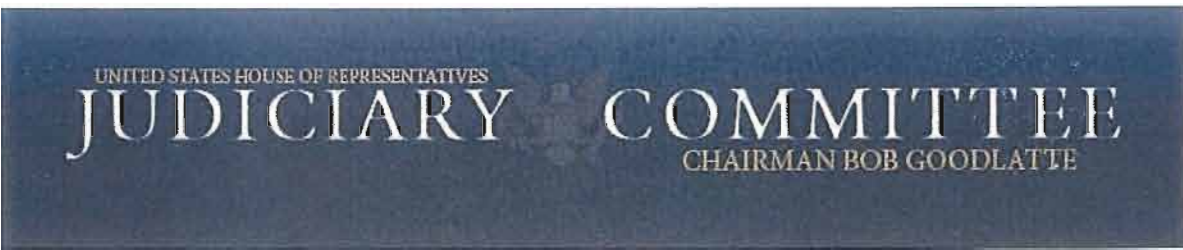


### **BILL SUMMARY: The SKILLS Visa Act (H.R. 2131)**

**Background:** The *Supplying Knowledge Based Immigrants and Lifting Levels of STEM Visas Act* (H.R. 2131), also known as the *SKILLS Visa Act*, was introduced by Rep. Darrell Issa on May 23, 2013 and approved by the House Judiciary Committee in a vote of 20-14 on June 27, 2013. The bill is supported by the Consumer Electronics Association (CEA), Compete America, inSPIRE STEM USA, the Internet Association, and the Information Technology Industry Council.

#### **Summary:**

- **Increases Green Cards for STEM Grads:** The bill allocates up to 55,000 green cards a year for employers to petition for foreign graduates of U.S. universities with advanced degrees in STEM fields.
- **Increases and Strengthens H-1B Program:** The bill increases the H-1B visa cap for high-skilled workers from 65,000 to 155,000 and increases the special pool of visas for foreign graduates of U.S. universities to 40,000. The bill contains enhanced anti-fraud provisions, better protects American workers and allows H-1B spouses to work.
- **Provides Job-Creating Entrepreneur Visas:** The bill allocates up to 10,000 green cards a year for alien entrepreneurs who 1) can attract investment from venture-capital firms to establish businesses that will create at least five jobs or 2) have already created five jobs over 10 years through the E-2 treaty investor program.
- **Strengthens Investor Visa Program:** The bill strengthens the investor visa green card program by 1) making the regional center pilot project permanent, 2) indexing investment requirements for inflation, and 3) adding anti-fraud protections.
- **Makes Immigration System Smarter:** The bill repeals the diversity lottery green card program and the siblings of U.S. citizens green card program (while keeping the latter program open for 10 years so that siblings who have been waiting for the longest time in the backlog can receive their green cards), and allocates these green cards to immigrants with skills America needs.
- **Eliminates Arbitrary Caps:** The bill eliminates the employment-based green card per-country quota system and raises the family-sponsored per-country cap, so that immigrants will not have to wait longer just because of their country of origin.
- **More Doctors for Underserved Areas:** The bill permanently authorizes the program allowing foreign doctors to work in medically underserved areas without first having to return home for two years after their residencies, increases the number of slots available, and makes other improvements to the program.
- **Increases Green Cards for Other Skilled Workers:** The bill allocates an additional 15,000 green cards a year to both the employment-based second preference (members of the professions with advanced degrees and persons of exceptional ability) and third preference (skilled workers, professionals with bachelor's degrees and other workers) green card categories and allocates an additional 25,000 green cards a year to the spouses and minor children of permanent residents in order to help reduce the backlogs.
- **Greater Flexibility for Employers and Workers:** The bill allows foreign students and workers on temporary visas whose employment-based green card petitions have been approved to continue to work in the U.S. until their green cards become available.

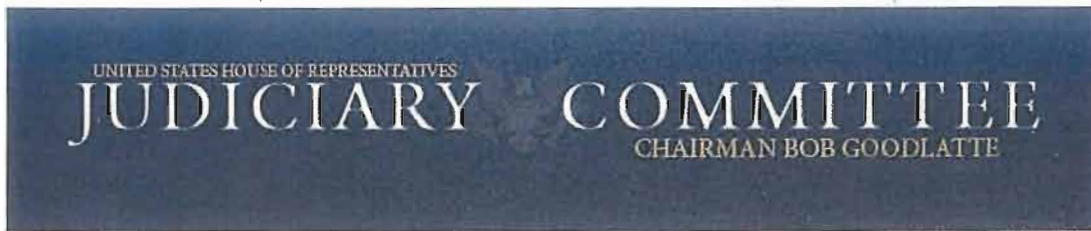


**BILL SUMMARY: The Strengthen and Fortify Enforcement “SAFE” Act (H.R. 2278)**

**Background:** On June 6, 2013, Immigration and Border Security Subcommittee Chairman Trey Gowdy introduced the *Strengthen and Fortify Enforcement Act* (H.R. 2278), also known as the *SAFE Act*. The House Judiciary Committee approved this bill on June 18, 2013 by a vote of 20-15. The bill is supported by the National Immigration and Customs Enforcement Council, the Western States Sheriff’s Association, and the National Association of Former Border Patrol Officers.

**Summary:**

- **Grants States and Localities the Authority to Enforce Immigration Laws:** Presidents of both parties had too much latitude to refuse to enforce our immigration laws. This bill removes the ability of the President to unilaterally shut down enforcement efforts by granting states and localities specific congressional authorization to assist in the enforcement of federal immigration law and includes provisions to facilitate their assistance. It also allows states and localities to enact and enforce their own immigration laws as long as they are consistent with federal law. In addition, the bill withholds specific grants from sanctuary cities that defy federal immigration enforcement efforts.
- **Strengthens National Security:** The bill makes it more difficult for foreign terrorists and other foreign nationals who pose national security concerns to enter and remain in the United States. Of note, the bill bars foreign terrorists or removable immigrants who threaten national security from receiving immigration benefits, such as naturalization and discretionary relief from removal, among other things. The bill also requires that no immigration benefits can be provided to immigrants until all required background and security checks are completed.
- **Protects American Communities from Dangerous Criminal Aliens:** The bill protects the American public by facilitating and expediting the removal of criminal aliens. In the instance a dangerous criminal immigrant cannot be removed from the U.S., the bill allows DHS to detain them. It also keeps our streets safe by providing for mandatory detention of unlawful immigrants who have been convicted of DUIs.
- **Improves Visa Security:** The bill improves our nation’s first line of defense, the visa issuance process. The bill expands the Visa Security Program to additional high risk posts, strengthens the integrity of the student visa program, and authorizes DHS and State Department to revoke visas to foreign nationals if in the security or foreign policy interests of the U.S., among other provisions.
- **Helps ICE Officers Better Do Their Jobs:** The bill assists U.S. Immigration and Customs Enforcement officers in carrying out their jobs of enforcing federal immigration laws by strengthening their ability to make arrests for immigration violations. The bill also allows them to carry firearms and provides them body armor.
- **Strengthens Border Security:** The bill prohibits the Departments of Interior and Agriculture from preventing Border Patrol agents access to federal lands within 100 miles of the border. This will better enable Border Patrol agents to secure our border and prevent illegal activity, such as illegal immigration, smuggling, and drug trafficking. It also prohibits the interference of Border Patrol activities, such as construction and maintenance of roads and barriers, use of patrol vehicles, and deployment of tactical infrastructure.
- **Reviews Administration’s Abuse of Prosecutorial Discretion:** The bill requires a report to Congress each year on the abuse of prosecutorial discretion by the Administration.

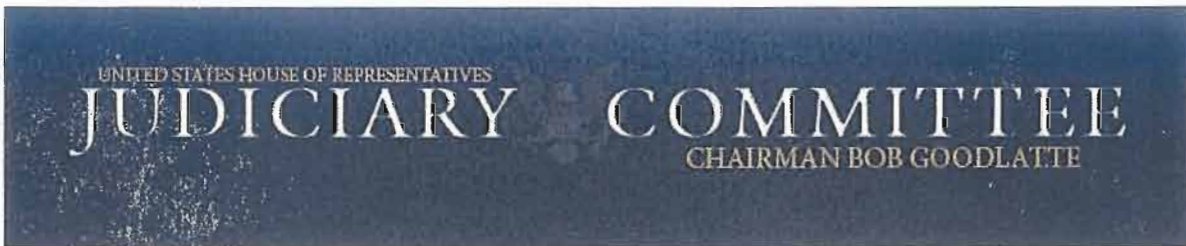


### **BILL SUMMARY: The Legal Workforce Act (H.R. 1772)**

**Background:** The *Legal Workforce Act* (H.R. 1772) was introduced on April 26, 2013 by Rep. Lamar Smith and approved by the House Judiciary Committee on June 26, 2013 in a vote of 22-9. The bill is supported by the Associated Builders and Contractors Inc, the National Restaurant Association, the Association of Chief Human Resource Officers, the National Retail Federation, the International Franchise Association, the International Franchise Association, the Essential Worker Immigration Coalition, NumbersUSA, the Chamber of Commerce, and the National Association of Home Builders.

#### **Summary:**

- **Repeals I-9 System:** The *Legal Workforce Act* repeals the current paper-based I-9 system and replaces it with a completely electronic work eligibility check, bringing the process into the 21<sup>st</sup> century. However if an employer chooses to keep using the paper-based I-9 system they may do so.
- **Gradual Phase-In:** Phases-in mandatory E-Verify participation for new hires in six month increments beginning on the date of enactment. Within six months of enactment, businesses having more than 10,000 employees are required to use E-Verify. Within 12 months of enactment, businesses having 500 to 9,999 employees are required to use E-Verify. Eighteen months after enactment, businesses having 20 to 499 employees must use E-Verify. And 24 months after enactment, businesses having 1 to 19 employees must use E-Verify. Allows a one-time six month extension of the initial phase-in. It also requires that employees performing "agricultural labor or services" are subject to an E-Verify check within 24 months of the date of enactment.
- **Voluntary Use:** Allows employers to use E-Verify to check the work eligibility of their current employees as long as they do so in a nondiscriminatory manner and on all employees who are in the same geographic location or in the same job category.
- **States as Partners:** Preempts duplicative state laws mandating E-Verify use but gives states prominent roles in enforcing the law. Specifically, it retains the ability of states and localities to condition business licenses on the requirement that the employer use E-Verify in good faith under federal law. In addition, the bill allows states to enforce the federal E-Verify requirement and incentivizes them to do so by letting them keep the fines they recover from employers who violate the law.
- **Protects Against Identity Theft:** The bill allows individuals to lock their Social Security number (SSN) so that it can't be used by another person to get a job. It also allows parents or legal guardians to lock the SSN of their minor child. And if a SSN shows a pattern of unusual multiple use, DHS is required to lock the SSN and alert the owner that their personal information may have been compromised.
- **Safe Harbor:** Grants employers safe harbor from prosecution if they use the E-Verify program in good faith, and through no fault of their own, receive an incorrect eligibility confirmation.
- **Strengthened Penalties:** The bill raises penalties on employers who knowingly hire illegal immigrants in violation of the requirements of the bill. The bill also creates a penalty for individuals (employees or employers) who knowingly submit false information to the E-Verify system.
- **Identity Authentication Pilot Programs:** The bill requires DHS to conduct a least two pilot programs aimed at using technology within the E-Verify system to help further prevent identity theft in the system.



### **BILL SUMMARY: The AG Act (H.R. 1773)**

**Background:** On April 26, 2013, House Judiciary Committee Chairman Bob Goodlatte introduced the *Agricultural Guestworker Act* (H.R. 1773), also known as the *AG Act*. The Committee approved this bill on June 19, 2013 in a vote of 20-16.

**Summary:** The *AG Act* creates a new temporary agricultural guestworker program to provide American farmers with access to a reliable workforce.

- **Expands the Scope of the Program to Address More Agriculture:** The bill allows the dairy industry and agricultural product processors to participate in the program.
- **Eliminates Excessive Red Tape:** The new temporary agricultural guestworker program created under the bill removes barriers and excessive paperwork farmers face in hiring foreign workers. If a grower is designated as a registered agricultural employer by USDA and agrees to the terms and obligations of participating in the program, then they can easily hire guestworkers already admitted to the U.S. without having to file yet another petition for the individual worker. The new guestworker program's petition process is also attestation based, meaning that farmers will no longer face unnecessary, government-imposed red tape during the process.
- **Protects Farmers from Abusive Litigation:** In order to discourage frivolous and abusive litigation against growers, growers may require as a condition of employment that guestworkers be subject to binding arbitration and mediation of any grievances in relation to the employment relationship. This bill also eliminates special treatment for the Legal Services Corporation.
- **Enacts Market-Based Approach to Meet Demand and Supply:** The bill eliminates the artificial government-imposed wage rate that is part of the current temporary agricultural guestworker program and replaces it with the market-based prevailing wage rate or the state minimum wage—whichever is greater.
- **Helps American Farmers Keep Up with Global Competitors:** The new guestworker program will allow American growers to better compete in the global economy by removing the exorbitant costs associated with abusive litigation, excessive regulation, and artificially high, government-imposed wage rates.
- **Farmer Friendly:** The bill designates the Department of Agriculture to administer the new guestworker program rather than the Department of Labor. USDA is better equipped to help farmers and better understands their needs.
- **Temporary but Flexible:** The maximum amount of time a guestworker is allowed to stay in the U.S. continuously is 18 months, unless certain conditions are met. Generally, the guestworkers must then leave the country for a period of time that is 1/6 of the time he or she was working in the U.S.
- **Participation:** Under the new guestworker program, farmers can petition for any foreign national – whether currently within the U.S. or aboard – to come work for them.
- **Protects Taxpayers:** Under the new program, guestworkers are not eligible for Obamacare, the Earned Income Tax Credit, the Child Tax Credit, or other welfare programs.