

## Legislative Bulletin.....February 10, 2005

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H.R. 418—REAL ID Act (Continuing Consideration)

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### H.R. 418—REAL ID Act (Continuing Consideration) (Sensenbrenner)

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**Order of Business:** General debate on H.R. 418 proceeded on Wednesday, February 9<sup>th</sup>, under the rule H.Res. 71. Today, consideration of the bill will continue, subject to a structured rule (H.Res. 75) that makes the following amendments in order. The Sensenbrenner amendment below would be considered as adopted upon passage of the rule. (For information on the underlying bill, see the RSC Legislative Bulletin from February 9, 2005.)

### Amendments Made in Order under the Rule (H.Res. 75):

Sensenbrenner (Manager's Amendment, Considered as Adopted to H.R. 418 upon Passage of H.Res. 75).

- Strikes the requirement in the underlying bill that a state that does NOT choose to meet the driver's license standards must indicate on its driver's licenses and ID cards that they do not meet federal standards.
- Strikes the provision in the underlying bill allowing the Secretary of Homeland Security to prescribe driver's license formats and limit the validity period of driver's licenses.
- Extends the bill's provisions regarding the credibility determinations of immigration judges in asylum proceedings to apply to other requests for relief from removal before immigration judges.
- Removes the annual cap on the number of aliens granted asylum who can become permanent residents.
- Clarifies that no court, administrative agency, or other entity at any level of government or outside government could hear any claim to block the completion of the San Diego Border Fence.
- Makes the bill's deportability section waivable (by the Secretary of State or Attorney General, either in consultation with the other plus the Secretary of Homeland Security).

- Includes the text of H.R. 100, which would limit criminal aliens to one contest of their removal orders.
- Makes a variety of clarifying and technical amendments.

Sessions (R-TX). Clarifies obligations under the Homeland Security Department's existing deportation authorities (regarding "delivery bonds" to compel the attendance of aliens at immigration proceedings) in order to facilitate the repatriation of all aliens ordered deported. Delivery bonds are written commitments to surrender an alien against whom the Department has issued a notice to appear. Compliance by the alien with this commitment to surrender to DHS is compelled by a cash deposit the alien has to make to post the bond in order to be released from custody. This amendment clarifies the procedures for surrendering aliens who have violated the conditions of their delivery bonds to DHS and provides for the designation of ten "turn-in" centers across the nation to facilitate the process of surrendering the violators. According to the amendment sponsor, only 13% of the aliens that are arrested entering the U.S. illegally and ordered deported by an immigration judge are actually removed.

Castle (R-DE). Requires the Homeland Security Secretary to enter (into the appropriate aviation security screening database) the background information of any person convicted of using a false driver's license for the purpose of boarding an airplane.

Kolbe (R-AZ). Authorizes "such sums as may be necessary" for FY2006-FY2011 for the Homeland Security Department to report to Congress (at least once every five years) on the technology, equipment, and personnel needed to address border security at our southern and northern borders. Directs the Department to conduct a ground surveillance pilot program to identify and test ground surveillance technologies (such as motion detectors, video cameras, and other sensors) that will improve border security at our northern and southern borders in populated and unpopulated areas. Directs the Department to develop an intergovernmental plan to enhance communications integration and information sharing about border security. Makes several technical changes to current law.

Nadler/Meek (D-NY/FL). Strikes all of the asylum provisions (section 101) in the underlying bill.

Farr (D-CA). Strikes all of the San Diego Border Fence provisions (section 102) in the underlying bill.

**Administration Position on the Underlying Bill:** A Statement of Administration Policy has since become available since the release of yesterday's RSC Legislative Bulletin. The Administration "strongly supports House passage of H.R. 418."

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