

A Different Approach on Immigration

Republicans on House Judiciary insist that reform is not dead—and they may be right.

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John Boehner gave the House Judiciary Committee more power over immigration legislation than it has had in years when he announced last month that the House would not go to conference with the Senate on its comprehensive immigration bill.

The House speaker's statement gives the committee free rein to put together an immigration package on its own schedule and terms without the pressure of matching the Senate bill, something of a rarity at a time when many major issues are grabbed up by the chamber's top leaders.

"That gives us more latitude to have the discussions that need to take place," said committee Chairman Bob Goodlatte, R-Va. "We've been hard at work on that throughout the year. We produced several bills. We're working on several more."

Yet it also leaves Goodlatte, a former immigration attorney, picking his way through a tangled issue with little in the way of a map. Throughout 2013, he has stubbornly stuck to his plan to consider smaller immigration issues separately and deliberately, even as lobbyists and activists were buzzing about the Senate's massive bill and the House's bipartisan "gang" of members who were working on separate legislation.

It was an approach that drew criticism, with many saying immigration reform would be buried in the House, never to emerge. Not so, says Goodlatte. "You shouldn't just use the past tense here, because this is an issue that's going to go on for a while," he said.

After watching the House group collapse and conservatives like Sen. Marco Rubio, R-Fla., get lambasted from the right for supporting the Senate bill's path to citizenship, Goodlatte's insistence on a go-slow approach looks more sanguine.

"We're not going to make the mistakes made in the Senate, and I think people understand that. Just ask Marco Rubio," Goodlatte said. "We're not going down the path of trying to write some quick comprehensive bill that doesn't address a very complex subject in a careful manner."

Goodlatte's process calls for the panel to pass a few more bills in 2014 to round out the four completed in committee this year that address highly skilled workers, agriculture workers, electronic verification, and local police enforcement. The House would then take up those bills at various points in the year, perhaps in bunches of two or three to keep lawmakers from being overwhelmed.

They would then wait for the Senate to respond, and nobody knows how long that would take. An immigration bill has never been negotiated in this fashion before. From Goodlatte's perspective, that's a good thing.

Boehner's repeated statements opposing the Senate bill, which passed in June, signaled to many observers—perhaps falsely—that immigration is dead in the House. They see a Republican conference that doesn't agree on what to do and Democrats who are united in opposition to most of the smaller bills that the Republicans want. The four immigration bills passed in committee have yet to see the light of day on the House floor.

Boehner is not willing to go against the majority of the GOP caucus to make an immigration bill happen. His public statements are mixed on the topic, but his commitment to action showed last week when he hired Rebecca Tallent to handle immigration in his office. Tallent has negotiated several major immigration bills for former Rep. Jim Kolbe, R-Ariz., and Sen. John McCain, R-Ariz., and she supports a path to citizenship.

Judiciary Committee members and staff insist that the lack of House floor action belies the committee's activity on the issue. No one believes it should lie dormant just because 2014 is an election year. "Building the kind of consensus it takes to get it done is going to take some time, and it's going to be a challenge," Goodlatte said.

The committee is expected to mark up at least three more bills next year. Lawmakers are preparing one on asylum and one on guest workers. The trickiest bill the committee could take up would be to legalize some portion of the undocumented population. It remains to be seen whether that bill would cover only those who were brought here as children, or a broader swath of people.

The legalization piece is extremely treacherous for Republicans, who have to answer to "no amnesty" constituents in their districts. They also have to contend with powerful committee members, like former Chairman Lamar Smith, R-Texas, who say enforcement and border-security measures must pass before anything else.

But several other House Republicans are quietly involved in the legalization effort, including Majority Leader Eric Cantor. If they are successful, their bill probably won't look anything like the broad legalization plan that Democrats want. But it will be the linchpin of the House Republicans' package because it will signal to Democrats that they can begin the bargaining process.

Democrats say immigration reform is not worth doing without legalization, but the manner in which it happens is up for negotiation. "You don't like the Senate bipartisan bill? Fine, come up with what you do want and let's keep this moving forward," Rep. Luis Gutierrez, D-Ill., said in November.

Gutierrez and Immigration Subcommittee ranking member Zoe Lofgren, D-Calif., have signaled a willingness to sign on to Cantor's proposed Kid's Act to legalize undocumented people who were brought here as children. But they say they can only support it if it doesn't curtail those peoples' other rights as citizens. Some versions of the bill have included language that would prohibit those who obtain citizenship from sponsoring their parents for green cards. Democrats say that is a nonstarter because it would alter fundamental rights.

Other stumbling blocks abound, but negotiators say they are ready to move forward when the moment strikes. That moment could come as early as March, after primary-election filings are done and GOP members don't have to worry about challengers from the right.

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