

# Response to border crisis falls apart on Capitol Hill

By Dan Nowicki

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Congress failed to meet its Aug. 1 goal to address the humanitarian crisis at the U.S.-Mexican border, as weeks of work on emergency legislation was swamped by the politics of immigration.

The past few days have seen the Capitol Hill debate over how to manage the tens of thousands of Central American children who have recently crossed the border expand to include President Barack Obama's 2012 Deferred Action for Childhood Arrivals program and the possibility of broader comprehensive immigration reform.

The Republican-controlled House of Representatives ground to a halt Thursday afternoon after it became clear that passage of a \$659 million bill backed by the House leadership was in jeopardy.

House lawmakers postponed their five-week August recess to try again today, but the Democrat-controlled Senate is proceeding with its break after failing to advance its own \$3.6 billion border-crisis bill.

That means no legislation will reach Obama's desk until Congress returns in September. Obama on July 8 asked Congress for \$3.7 billion in supplemental funding that he says his administration needs to respond to the influx of children.

Immigration advocates said congressional dysfunction only strengthens their argument that Obama needs to act on his own to shield up to 5 million undocumented immigrants from possible deportation. Obama has said he is looking to use his executive authority to implement as much on the broader immigration-reform front as he can without Congress, but he is not expected to announce his intentions until late summer or the fall, prior to this year's midterm elections.

"Some Honduran and Guatemalan children, with a couple of Salvadoran kids thrown in, have tied this Congress in knots," said Rep. Raúl Grijalva, D-Ariz. "So, what's going to happen? The system stays broken."

## Chambers are far apart

Even if the House and Senate had passed bills Thursday, the two chambers are so far apart on how to respond to the border crisis that it would have been difficult for the bodies to come to terms quickly.

A major point of contention is related to a 2008 anti-trafficking law guaranteeing that unaccompanied children from Central America, unlike those from Mexico, get hearings where they can argue for asylum. House and Senate Republicans want to amend the law, while Democrats largely oppose doing so on the grounds that some of the children legitimately deserve asylum and the legal protections preserved in the statute. The House legislation is not expected to go anywhere in the Senate.

Sen. Ted Cruz, R-Texas, a "tea party" favorite and possible 2016 GOP presidential candidate, emerged this week as a critic of the House approach because it did not seek to end the Obama administration's deferred-action, or DACA, program, which he and other conservatives have blamed for inspiring the current wave of immigrant children.

"Because of President Obama's amnesty, children are being abused and exploited by dangerous drug cartels and transnational gangs," Cruz said Tuesday in a statement. "We must put an end to any expansion of this amnesty that puts countless numbers of vulnerable individuals, both immigrants and U.S. citizens alike, at risk."

Cruz's position found favor with some in the right wing of House Speaker John Boehner's caucus. It initially appeared that Boehner, R-Ohio, and his fellow House GOP leaders had negotiated a resolution by scheduling a vote on the border bill and a separate anti-deferred-action measure.

Ultimately, neither House vote materialized, but members are returning to work today.

"I am one hundred percent against doing nothing to fix our border crisis," Rep. Matt Salmon, R-Ariz., said Thursday in a written statement. "We will continue to work to improve and bolster this bill, and I am committed to staying in Washington, D.C., until we approve a plan to secure our borders and help these children."

For some House conservatives, though, the anti-deferred-action bill did not go far enough.

In a message Thursday to his House colleagues, Rep. Paul Gosar, R-Ariz., complained that the deferred-action bill was not retroactive to 2012 and would not apply to current deferred-action recipients. He also wrote that by keeping the border-supplement and deferred-action bills separate, the standalone deferred-action bill has no chance of becoming law.

"The bill also allows for anyone that may have had their DACA 'contract' renewed on July 29, 2014, for instance, to stay in our country for another two years," Gosar wrote. "This could easily be perceived as de facto amnesty and tacit approval by Congress of the President's mini-Dream Act memorandum."

The House GOP attack on deferred action drew a furious reaction Thursday from the "dreamer" community, with one representative suggesting that it was a death knell for the Republican Party, given changes in U.S. voter demographics that are giving more clout to Latinos.

"If they are stupid enough to move forward with this legislation," Republicans will regret it in the next few years, said Lorella Praeli, director of advocacy and policy for the national group United We Dream. "Their response has been more deportations, more deportations, and we have said, 'Enough.' You are irrelevant, you are dying, and you are going to be sad."

Grijalva dismissed the move to target deferred action as a cynical political tactic in an election season.

"It's not going anywhere. It's a messaging thing," Grijalva said. "They're trying to revive 2010, when immigration reform was the burning issue, along with health care (and Republicans won control of the House)."

An opening for Obama?

Immigration advocates argued Thursday that Congress' seeming inability to act on border issues should encourage Obama to implement sweeping reform on his own.

Frank Sharry, executive director of the liberal pro-reform group America's Voice, said that Obama is poised for "one of the defining moments of his presidency" that will energize immigrants and progressives ahead of Election Day.

"I think it's going to become increasingly clear that it's the president who is trying to do his job while it's the Congress that refuses to do theirs," Sharry said, "and that it's going to actually create space for him to go big on administrative action as he and his administration continue to try to manage the situation of Central American kids showing up at the border after having fled violence."

Praeli, of United We Dream, suggested that because Republicans will "go crazy" no matter what the president does, Obama should do something dramatic.

"I don't think that the president has any option but to do something that's bold and big, and our community will judge him based on the scope of that," she said.

Sen. John McCain, R-Ariz., the lead GOP negotiator on last year's Senate-passed "Gang of Eight" immigration bill, warned that an expansive use of Obama's executive authority would reflect a "calculating and cynical" White House that could backfire on the administration.

"I've heard the same rumor, but I made it clear to the White House that there was absolutely no chance of comprehensive immigration reform if he did that," McCain told The Arizona Republic. "Comprehensive immigration reform would lose its reason for being."

McCain took to the Senate floor Thursday to angrily denounce Senate Democrats for not allowing him and Sen. Jeff Flake, R-Ariz., to offer amendments to the Senate's border legislation, which was unable to secure the 60 votes needed to clear a procedural hurdle.

The McCain-Flake plan would have, among other things, changed the 2008 Trafficking Victims Protection Reauthorization Act at the heart of the border debate to allow for the expedited return of the Central American children to their home countries.

"I say shame on you for not allowing those of us who represent the states that are most affected by this to have an amendment voted on," McCain said. "I mean, that is unbelievable to me. ... I want to have some amendments debated! I want to be able to tell the people of my state, that are being flooded by immigrants, I want to be able to tell them that I had a proposal representing

them here in the United States Senate and I wanted it debated and I wanted it voted on. Is that a hell of a lot to ask here?"

Flake, who like McCain was a member of the bipartisan Gang of Eight, later criticized Senate Majority Leader Harry Reid, D-Nev., for allowing the senators to go home before the House was able to finish its border bill.

"He doesn't want to take up whatever the House shoots back," Flake told The Republic on Thursday. "We're still hopeful that the House will pass a border bill tomorrow."

<http://www.azcentral.com/story/news/politics/immigration/2014/08/01/response-border-crisis-falls-apart-capitol-hill/13450147/>