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July 11, 2013

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From: William T Fujioka
Chief Executive Officer

PROGRESS REPORT ON IMMIGRATION REFORM (ITEM NO. 34-B, BOARD MEETING OF FEBRUARY 5, 2013)

This memorandum is to provide a progress report on immigration reform legislation, as instructed by the Board on February 5, 2013.

Senate

On June 27, 2013, the Senate passed, by a vote of 68 to 32, S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013, which is a comprehensive immigration reform bill. All Democrats voted "aye" while Republicans voted 32 to 14 against the bill. Before passing S. 744, the Senate debated the bill for three weeks. Numerous amendments were introduced, but the vast majority of them were withdrawn or tabled.

Hoevan-Corker Amendment: One major substitute amendment to S. 744 was approved on a 68 to 32 vote - an amendment offered by Republican Senators Hoevan and Corker, which was designed to attract more support for the bill, especially from Republican Senators by strengthening immigration enforcement. While the amendment is called the Hoevan-Corker border security amendment, it makes many other changes which are not related to border security and which do not affect core elements of the bill. For example, it incorporates Senator Sanders' (I-VT) amendment language to create a new \$1.5 billion Youth Jobs Fund from which summer and year-round employment

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opportunities would be provided to low-income youth through the Workforce Investment Act system. This Fund would be financed by imposing higher fees on employers who submit applications for certain employment-based visas on behalf of foreign workers.

The most significant change made by the Hoenes-Corker amendment is that it provides that undocumented immigrants who are granted registered provisional immigrant (RPI) status under the bill cannot receive lawful permanent resident (LPR) status, until all five immigration enforcement conditions are met. These five conditions are:

- A comprehensive Southern Border Security Strategy, which meets certain specified minimum requirements for each sector along the border with Mexico, has been deployed and is operational;
- The Border Patrol has deployed, maintained, and stationed 20,000 full-time agents on the southern border in addition to the 18,405 agents already stationed there;
- The miles of fencing along the southern border has been increased from the current 350 miles to at least 700 miles of fencing;
- The bill's mandatory "E-Verify" employment verification system has been fully implemented for all employers; and
- The bill's new mandatory electronic entry/exit system has been fully implemented at all international air and sea ports of entry within the United States where U.S. Customs and Border Protection officers are currently deployed.

The Congressional Budget Office (CBO) estimates that the amendment's immigration enforcement measures will increase Federal spending by about \$38 billion, and reduce the number of undocumented immigrants by about 800,000 in 2023.

Before this amendment was approved, the bill would have allowed former undocumented immigrants to apply for LPR status ("green cards") after 10 years of RPI status. They, instead, would have to wait longer than 10 years if all five of the above conditions have not been met. Because no floor amendment was adopted to expand the eligibility of newly legalized individuals for Federal health and welfare benefits, they still would not be eligible for Affordable Care Act (ACA) health exchange subsidies during their entire period of RPI status, and for Federal means-tested benefits, such as full-scope Medicaid and Supplemental Nutrition Assistance Program (SNAP) benefits, until after they have been LPRs for five years.

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No floor amendment was approved that would expand the eligibility of any immigrants, including those granted RPI or LPR status, for Federal health and welfare benefits. However, the Hoevan-Corker amendment included language to bar any RPI from receiving Social Security credits for otherwise qualifying quarters of work performed between January 1, 2004 and 2014. This, in effect, would delay the ability of many newly legalized individuals to qualify for Social Security and Medicare benefits, including Social Security Disability Insurance (SSDI) and Medicare for which eligibility is based on disability and work credits. The Social Security Actuary recently estimated that, in 2010, 3.9 million undocumented immigrants contributed as much as \$13 billion in Social Security payroll taxes while working.

House

Comprehensive immigration reform legislation has not yet been introduced in the House. Following a closed-door House Republican caucus meeting on immigration held on July 10, 2013, the House Republican leadership issued a joint statement indicating that rather than taking up the “flawed legislation rushed through the Senate,” House committees will continue their work on a step-by-step approach to fixing the immigration system. The “flawed legislation” refers to S. 744, and the “step-by-step” approach refers to narrower immigration bills rather than a comprehensive immigration reform bill, similar to S. 744. House Speaker Boehner has pledged not to bring up any bill to the House floor, which is not supported by the majority of House Republicans. This has meant that an immigration reform bill with a path to citizenship for undocumented immigrants would not be brought to the House floor.

We will continue to keep you advised.

WTF:RA
MR:MT:ma

c: Executive Office, Board of Supervisor
County Counsel