

Assignment Prompt Sheet

Illegal Immigration Reform and Immigrant Responsibility Act of 1996

Overview

Act Title: Omnibus Consolidated Appropriations Act, 1997

Congress: 104th Congress (1995-1996)

Session/Sessions: 2

Statute No: 110 Stat. 3009

Public Law No: 104 PL 208

Eid: 1040208

Gid: 213-015

Bill: [HR 3610](#)

Sponsor: Rep. Bill Young (R-FL)

House Committees: Judiciary; Banking and Financial Services; Government Reform and Oversight; National Security; Ways and Means; Agriculture; Economic and Educational Opportunities

Senate Committees: Judiciary

Companion Bill: S 3246

Related Bills: [S 1664](#); S 1894; [HR 2202](#); HR 3756; HR 3755; HR 3662; HR 3540; HR 3814

House Rules: Hres 384; Hres 453; Hres 528

Past Bills:

Introduced Date- Law Date: August 8, 1995-September 3, 1996

House Floor Days: 5

Senate Floor Days: 9

Roll Call Votes: 151



(Above): Rep. Bill Young (R-FL)

Legislative History Comments

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (104 PL 208) significantly altered U.S. immigration policy. The law, which was eventually passed as part of the Omnibus Consolidated Appropriations Act of 1997, “authorized more funding for border patrols and fences, sped detention and deportation procedures, created new penalties for alien smuggling and established pilot programs aimed at identifying illegal immigrants in the workplace [CQ \(1996\)](#).” While the law was drafted by majority party Republicans, it passed with bipartisan support and was signed into law by President Bill Clinton (D-AR). [CRS \(1997\)](#) described it as “major legislation to combat illegal migration to the U.S.” and noted its primary purpose was “to establish new legal disincentives to reside in the U.S. illegally.”¹

It has been criticized in recent years for causing a massive increase in deportations. The [Washington Post \(2019\)](#), for instance, described it as institutionalizing “the detention of all asylum seekers while they await their appearance in immigration court.” And [Vox \(2016\)](#) dubbed it “the disastrous, forgotten 1996 law” that “laid the groundwork for the massive deportation machine that exists today.” [Slate \(2020\)](#) asserted it was “aimed squarely at bringing down the boot and grinding it in.”

For broader background on U.S. immigration policy, I’d recommend taking a look at both of these *Last Week Tonight* pieces on the broad topic of immigration:

- <https://www.youtube.com/watch?v=tXqnRMU1fTs>
- <https://www.youtube.com/watch?v=9fB0GBwJ2QA>

From a process standpoint, this bill isn’t too bad given that it passes as part of an omnibus law. Everything else is pretty straight-forward and passage of the omnibus portion appears to be fairly pro forma. Why they opted for the omnibus approach is not clear to me at this point. It’s originally considered under a structured rule in the House. Final passage in both chambers it overwhelmingly bipartisan. This measure does look like it changes throughout consideration though, so it’s worth looking into that a bit.

Feel free to e-mail me with process questions. I also think CQ will be useful here (see [CQ 1996A](#); [CQ 1996b](#)).

¹ This bill also included a provision that “prohibits states from granting unauthorized aliens certain postsecondary educational benefits on the basis of state residence, unless equal benefits are made available to all U.S. citizens (CRS 2012).” Hence, the DREAM Act.

Assignments

For the sections below, you're going to want to answer the questions and write-up the process sections that correspond to your assigned number. Here they are:

#1.

#2.

#3.

Background Questions

1. What does this act actually do? Who was pushing for it? Was it part of the President's agenda? What did existing federal policy look like in this specific issue area? Why did reformers feel it needed to be changed? Basically, give the reader a workable discussion of U.S. immigration policy here. What is a refugee? What is asylum? Why are these distinctions important? CRS should help with a [discussion of the bill](#) and [immigration policy more broadly](#).
2. Discuss the broader political context this bill was considered in. Who controlled the House? The Senate? By how many? Who was President? Was this part of the President's agenda? What other pieces of legislation were being considered/passed in this Congress? The Stathis (2014) piece might worth a citation here. In particular, what was the "Contract with America?" How important were criminal justice issues to it?
3. What motivated consideration of this legislation in this specific Congress? Was it in response to a specific event? Or was this a slower build over time? Had Congress considered similar legislation unsuccessfully in previous congresses? If so, why did those bills fail? Discuss them in greater detail here. How had U.S. immigration policy shifted in recent decades?

Process Sections

Please write-up the sections that correspond to your number. Feel free to incorporate any notes I might have dumped in the margins.

#1. House Consideration of HR 2202 (March 19-21, 1996)

Considered under Hres 384, a structured rule that makes in order 32 amendments. Democrats appear pleased by the number of amendments but force a vote on the previous question because of three amendments the rule blocked. The most notable of these, according to the ranking member of the committee, Rep. Tony Beilenson (D-CA) would “stop employers from knowingly hiring illegal immigrants by making the existing employer-sanction law truly effective and meaningful (*Congressional Record*, March 19, 1996, H2365).”

PQ is adopted overwhelmingly, rule passed via voice.

CQ key vote on the Gallegly amendment.

Bill passed [333-87](#). Six Republicans, 80 Democrats and Bernie Sanders (I-VT) voted no.

#2. Senate Consideration of S 1664 & HR 2202 (April 24-May 2, 1996)

S 269 was the original bill debated in committee.

Laid before the Senate under a unanimous consent agreement. CQ suggested many of the amendments adopted in the Senate were aimed at making the bill friendlier to businesses. The bill gets pulled by Dole in response to Democratic amendments raising the minimum wage.

Passes the Senate with three no votes.

#1. House Consideration of the Conference Report on HR 2202 (September 25, 1996)

Considered in the House under Hres 528, a rule waiving points of order against the bill. Conference report passes with more no votes than original bill. What changed here?

#3. House Consideration of the Conference Report on HR 3610 (September 28, 1996)

Considered in the House under a unanimous consent agreement.

Why fold immigration into this omnibus bill? What else was in it? How did it change? CQ should be helpful here (see [CQ 1996A](#); [CQ 1996b](#)).

#3. Senate Consideration of the Conference Report on HR 3610 (September 28, 1996)

Member Spotlight

Choose one of the following for your member spotlight:

#1. Sen. Alan Simpson (R-WY); Sen. Bob Dole (R-KS); Rep. Nydia Velazquez (D-NY); Rep. Barney Frank (D-MA); Rep. Christopher Shays (R-MA); Rep. Bill McCollum (R-FL); Rep. Dick Armey (R-TX); Rep. Dick Chrysler (R-MI)

#2. Rep. Elton Gallegly (R-CA); Rep. Bob Inglis (R-SC); Sen. Trent Lott (R-MS); Sen. Russ Feingold (D-WI); Sen. Tom Daschle (D-SD); Sen. Joe Lieberman (D-CT); Rep. Gerald Solomon (R-NY); Rep. Joe Moakley (D-MA); Rep. David Bonior (D-MI); Sen. Spencer Abraham (R-MI)

#3. Rep. Lamar Smith (R-TX); Sen. Orrin Hatch (R-UT); Sen. John McCain (R-AZ); Rep. Deborah Price (R-OH); Rep. Steve Chabot (R-OH); Rep. Louise Slaughter (D-NY); Rep. Dave Dreier (R-CA); Rep. Tom Delay (R-TX); House Speaker Newt Gingrich (R-GA)

Aftermath Questions

1. How was this act viewed upon passage? What did the newspapers say? How did the measure change throughout its consideration? At the time, it was viewed by some as a win for President Clinton, as Republicans were forced drop provisions restricting legal immigration. How did this change over time? What impact has it had on U.S. immigration policy?

How has this act been viewed by scholars? Do they highlight any major limitations? Are there some portions viewed more favorably than others?

2. How has this law evolved over time? Has it been featured in any major Supreme Court cases? Significantly altered by subsequent legislation? Regarding the Supreme Court, for example, see [Oyez](#) on *INC v. St. Cyr* (2001).
3. How relevant is this law currently? See recent news articles (e.g. [Washington Post 2019](#)) about its role in the recent border wall fight between President Trump and Congress. What other impacts has it had? What provisions of the law are reformers fighting to change? What is their likelihood of success?

Suggested Sources

Scholarly Articles:

Abrego, Leisy, et al. "Making immigrants into criminals: Legal processes of criminalization in the post-IIRIRA era." *Journal on Migration and Human Security* 5.3 (2017): 694-715.

Pauw, Robert. "Plenary Power: An Outmoded Doctrine That Should Not Limit IIRIRA Reform." *Emory LJ* 51 (2002): 1095.

Ahmed, Saba, Adina Appelbaum, and Rachel Jordan. "The human cost of IIRIRA—Stories from individuals impacted by the immigration detention system." *Journal on Migration and Human Security* 5.1 (2017): 194-216.

Sicard, Kimberly. "Section 601 of IIRIRA: A Long Road to a Resolution of United States Asylum Policy Regarding Coercive Methods of Population Control." *Geo. Immigr. LJ* 14 (1999): 927.

Hunker III, Paul B. "Cancellation of Removal or Cancellation of Relief-The 1996 IIRIRA Amendments: A Review and Critique of Section 240A (A) of the Immigration and Nationality Act." *Geo. Immigr. LJ* 15 (2000): 1.

Massey, Douglas S., and Karen A. Pren. "Unintended consequences of US immigration policy: Explaining the post-1965 surge from Latin America." *Population and development review* 38.1 (2012): 1-29.

Massey, Douglas S., Karen A. Pren, and Jorge Durand. "Why border enforcement backfired." *American journal of sociology* 121.5 (2016): 1557-1600.

Macías-Rojas, Patrisia. "Immigration and the war on crime: Law and order politics and the illegal immigration reform and immigrant responsibility act of 1996." *Journal on Migration and Human Security* 6.1 (2018): 1-25.

Kerwin, Donald. "From IIRIRA to Trump: Connecting the dots to the current US immigration policy crisis." *Journal on Migration and Human Security* 6.3 (2018): 192-204.

Juárez, Melina, Bárbara Gómez-Aguñaga, and Sonia P. Bettez. "Twenty years after IIRIRA: The rise of immigrant detention and its effects on Latinx communities across the nation." *Journal on Migration and Human Security* 6.1 (2018): 74-96.

Grant, Edward R. "Laws of intended consequences: IIRIRA and other unsung contributors to the current state of immigration litigation." *Cath. UL Rev.* 55 (2005): 923.

Olivas, Michael A. "IIRIRA, the Dream Act, and undocumented college student residency." *Immigr. & Nat'lity L. Rev.* 25 (2004): 323

Newspaper Pieces:

- <https://www.vox.com/2016/4/28/11515132/iirira-clinton-immigration>
- <https://slate.com/news-and-politics/2020/07/congress-iirira-reform-thuraissigiam-asylum.html>
- <https://journals.sagepub.com/doi/abs/10.1177/233150241700500207>
- <https://www.hrw.org/news/2016/04/25/us-20-years-immigrant-abuses#>

THE CONGRESS PROJECT

- <https://www.washingtonpost.com/outlook/2019/02/11/why-president-trump-has-won-immigration-standoff-even-if-he-doesnt-get-wall-funding/>
- [https://ballotpedia.org/Illegal Immigration Reform and Immigrant Responsibility Act of 1996](https://ballotpedia.org/Illegal_Immigration_Reform_and_Immigrant_Responsibility_Act_of_1996)
- <https://www.washingtonpost.com/news/post-politics/wp/2016/02/19/clinton-pledges-to-repeal-3-and-10-year-bans-on-undocumented-immigrants-returning-to-u-s/>
- <https://www.washingtonpost.com/news/made-by-history/wp/2018/06/11/angry-that-ice-is-ripping-families-apart-dont-just-blame-trump-blame-clinton-bush-and-obama-too/>
- <https://www.washingtonpost.com/archive/politics/1997/03/27/pall-over-immigrants-american-dream/a7062c06-3880-49b7-9caa-21d874ab83b2/>
- <https://www.nytimes.com/1997/09/29/opinion/flaws-in-immigration-laws.html>
- <https://www.nytimes.com/2000/08/30/nyregion/condemned-again-for-old-crimes-deportation-law-descends-sternly-often-surprise.html>
- <https://www.nytimes.com/2018/10/10/magazine/the-democrats-have-an-immigration-problem.html>