



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503



December 15, 2005
(House)

STATEMENT OF ADMINISTRATION POLICY

H.R. 4437 – Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005

(Rep. Sensenbrenner (R) Wisconsin and 35 cosponsors)

The Administration strongly supports House passage of H.R. 4437 and appreciates the efforts of the House Judiciary Committee and the Homeland Security Committee in bringing this important legislation to the floor. The Administration looks forward to working with Congress to improve certain provisions in the bill and to implement the many necessary reforms that this legislation provides.

The Administration is committed to securing the border to prevent illegal crossings, improving our ability to apprehend illegal immigrants, and ensuring that those who are caught are returned to their home countries as soon as possible. H.R. 4437 authorizes additional resources for these efforts.

The Administration appreciates that the bill supports the Administration's goal to end the decades-old practice of "catch and release" in which illegal aliens from countries other than Mexico are assigned court dates for immigration hearings and then never show up. The provisions included in this bill will facilitate the Administration's strategy to return these aliens quickly to their home countries and deter other aliens for attempting to enter the country illegally.

The Administration supports provisions in the bill enhancing the authority of the Secretary of Homeland Security to bar criminals and terrorists from obtaining immigration benefits. These provisions will significantly improve the Secretary's ability to consider national security in determining eligibility for citizenship and other benefits.

The Administration will work closely with the House on provisions that leverage State and local law enforcement efforts while meeting Federal law enforcement objectives and using our homeland security resources most effectively.

The Administration strongly supports provisions in the bill that would crack down on alien smuggling and unlawful entry into the United States. The Administration will work with the House to ensure that any enhanced sentences the bill may impose with respect to unlawful entry and reentry after removal are structured so as not to hinder the efficient prosecution of immigration offenses. The Administration supports the provisions that will keep our Nation safe by preventing criminals and terrorists from entering the country and by providing new authority to remove criminal aliens once they have entered the country.

A key component of immigration reform is addressing the cycle of needless litigation that clogs immigration courts, rewards illegal behavior, and delays justice for immigrants with legitimate claims. This bill contains much-needed provisions to ensure that lawsuits and red tape

do not stand in the way of securing our borders and protecting the American people. The Administration appreciates the provisions ensuring that the Federal government has the authority it needs to detain dangerous criminal aliens and aliens who present national security risks until they can be removed, and will work with the House to ensure that the language of these provisions will accomplish their important purpose.

Worksite enforcement is critical to immigration reform, and the Administration supports expanding the existing employment eligibility verification system. The Administration will work with Congress to design a system that helps employers hire only authorized workers and facilitates the prosecution of unscrupulous employers that would knowingly hire undocumented aliens.

The Administration has concerns regarding a number of provisions in the bill that attempt to direct the management of components or programs of the Department of Homeland Security. These provisions impose requirements that interfere with existing operations, mandate allocation of funding and resources within the Department, and impose duplicative reporting requirements. These provisions interfere with the Secretary's discretion to manage Department resources and direct Departmental operations according to strategic needs.

The Administration also has concerns with provisions of the bill requiring the reimbursement of private property owners for damage to their property along the international border if the damages are the result of entry of illegal aliens. Such provisions would be difficult to administer, would divert resources away from mission needs, and would establish a precedent where the Federal government assumes financial responsibility for damages caused by non-Federal actions on private property.

The Administration strongly urges the House to pass this important legislation, and we look forward to working with Congress to ensure that certain provisions of the bill do not inadvertently affect operations designed to gain control of the border. The Administration remains committed to comprehensive immigration reform, including a temporary worker program that avoids amnesty, and believes this bill is a positive step toward that goal.

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