

Background Information: How Would You Create a Law?

You are a member of the United States Senate. You learn that illegal alien children are coming across the US-Mexico border in record numbers. They are being persuaded by their parents to come here illegally for two main reasons:

1. They are coming to take advantage of the provisions in the new DREAM Act, which grants illegal alien children who grow up in the US and graduate from US high schools the opportunity to become full US citizens.
2. They are fleeing the gang violence and high crime rates in their home countries.

You and other members of Congress have the duty and power to make new laws. A colleague has introduced a bill that might help solve this issue. This bill, nicknamed the Kid's Act, provides a process by which illegal alien children, who are unsupported by their parents, will be dealt with.

With regard to illegal alien minors, the following process for detention and deportation would be followed:

1. Upon recognition of an illegal alien minor who is unaccompanied by an adult, the Immigration and Customs Enforcement (ICE) officials will detain the minor and provide for the child's care for two months.
2. During these two months, contact with the minor's parents or next of kin will be attempted by ICE officials.
3. If contact is made, the minor's next of kin will be notified of deportation and arrangements will be made to return the minor.
4. If contact with the minor's next of kin is unsuccessful and the two-month detention period has elapsed, the ICE officials will negotiate deportation with officials from the minor's home country.

The bill has been referred to the Senate Committee on Homeland Security, which is a standing (or permanent) committee of which you are a member. Before you can debate the proposed bill in your committee, you must evaluate what the Kid's Act is all about.

1. What proposed law is to be evaluated?
2. What is the purpose of the proposed law?
3. Is a law necessary, or are there better ways to achieve the purpose?
4. What do you think would be some effects of the proposed law?
5. What are the strengths and weaknesses of the proposed law?
6. Do you think the proposed law should be kept as it is, changed, or eliminated? Why?

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YOU ARE A SENATOR WHO BELIEVES THE NATIONAL GOVERNMENT HAS A MAJOR RESPONSIBILITY IN DEVELOPING A PROCESS FOR DEPORTATION

You believe that the federal government should take a major role in helping to solve the problem of illegal alien minors. You think the national government should set policies and provide funds, and local governments should have to help with the federal programs. You also think that educational institutions should be responsible for reporting illegal alien minors to ICE officials who will go through with the deportation process. You are willing to reduce other parts of the budget to pay for the costs associated with the deportation process, but are unwilling to allocate funds for the care of the child beyond the two-month deadline.

WRITING YOUR ALTERNATIVE BILL AND CONGRESSIONAL ISSUE BRIEF

Your first step should be to develop an alternative bill that represents its position on how to solve the problem of illegal alien minors.

Once you have created an alternative bill that might be the compromise with which everyone would agree, discuss and evaluate your proposal by **writing your congressional issue brief**. You will give this formal letter to your committee members to introduce and try to gain support for your bill. It must be persuasive to get them to listen! The brief has the below components:

1. Introduce the issue to your committee, and explain why it is a major/hot issue.
2. Describe its origins as an issue. Why is this bill being proposed? Why is it important? Who will benefit?
3. Does your bill appeal to more Democratic or Republican ideology?
4. Who would support this issue? Who would oppose this issue? Why?
5. What is the purpose of your alternative bill?
6. What are the strengths and weaknesses of your bill? Is it fair? Easy to implement? Well-designed to achieve its purpose? Is it designed not to interfere with other values, such as right to privacy or individual freedoms?
7. What effects would your bill have if it became a law?
8. Why should the other senators on the committee pass your bill onto the floor for final debate?

POLICY COMMITTEE WORK

1. Each bill must be **read** to the committee **once aloud by the congressional representative who sponsors the bill**.
2. Once the bill has been read, you can either motion to continue to work on the bill or table the bill (kill it). The motion requires a second and then a majority vote to continue.
3. *If* the bill is going to be worked on, first open the floor to any markups or amendments to the bill. **Allow each member in turn (you can do this by seniority or who you think is most influential) to suggest changes to the language of the bill.**
4. Once the bill has been marked up and amended, the bill needs to be **read aloud one more time**. Once the final reading has occurred, **ask for a roll call vote on the bill**.

5. There are three options for the bills:
 - a. **PASSED** (with strong recommendation)
 - b. **OPEN TO FURTHER DEBATE** (be clear about what you want to do with the bill)
 - c. **TABLED INDEFINITELY** (i.e., KILLED! If your bill is in this place, what are your options?)

REFLECTION ON "HOW A BILL BECOMES A LAW"

1. What advantages do the majority party have in lawmaking when it comes to debating a bill in committee?
2. Why is it so hard to get bills through committee work?
3. If the committees in the House and Senate both pass similar versions of the bill, it goes to a conference committee. Describe what happens here.
4. Were you a trustee or delegate throughout this process? Give examples to describe which model of congressional representation you presented most.
5. How might your casework affect your attention to legislature?
6. In your opinion, should this bill be passed into legislation? Why or why not?
7. Once the bills make it through committee, they must get debated once again on the House of Representatives or Senate floor. Describe each role when it comes to lawmaking and floor debates:
 - a. Senate filibuster
 - b. House Rules Committee
 - c. How can a filibuster in the Senate and the House Rules Committee in the House lead to the passage of a bill in one chamber but not in the other?



YOU ARE A SENATOR WHO BELIEVES THE NATIONAL GOVERNMENT HAS A MAJOR RESPONSIBILITY IN DEVELOPING A PROGRAM TO HOUSE AND CARE FOR ILLEGAL ALIEN MINORS UNTIL THEY ARE GRANTED AMNESTY DUE TO THE DREAM ACT

You think that the federal government should take the main responsibility for dealing with the problem of illegal alien minors. You believe that the federal government has the responsibility to care for these children that are unaccompanied by an adult. You believe that we should set up housing and accommodations for the minors until they are granted amnesty through the DREAM Act. You are willing to reduce other parts of the budget to pay for the costs associated with the care for these illegal alien minors, as they will become productive members of our society.

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3

YOU ARE A SENATOR WHO BELIEVES THAT EACH STATE SHOULD BE IN CHARGE OF THEIR OWN IMMIGRATION POLICY REGARDING UNACCOMPANIED ILLEGAL ALIEN MINORS

You believe that each state should maintain its own immigration policies regarding unaccompanied illegal alien minors and that the federal government should spend tax money on more urgently needed programs rather than illegal alien minors. You also recognize that these unaccompanied minors may cost the federal government a substantial amount of money to care for and believe it is a state issue rather than something the federal government should spend its funding on.

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