

LEGISLATIVE UPDATES

*By Amalia Greenberg**

H.R. 2129: “Feeding America’s Families Act of 2007”

This Act updates the Food Stamp Act of 1977 with four billion dollars in improvement, including inflation adjustments and new programs to better meet the needs of participants.¹ Folded into the Farm Bill, the Act passed 231 to 191 on July 27, 2007 and now sits before the Senate. Although the Act comes up for review almost every five years, Congress has not updated the Act for thirty years despite inflation and changing agricultural and economic conditions in the United States.

According to the new proposal, the minimum benefit of ten dollars a month that was set in the 1970’s, will increase to about thirty dollars a month. The current national food stamp budget averages twenty-one dollars per week per participant, or essentially one dollar per meal. The Act indexes benefit levels to the current rate inflation, which ensures that the purchasing power of the food stamps remains constant to the dollar.

Recognizing that only sixty percent of persons eligible to receive food stamps actually do, the Act seeks to open access to eligible candidates including families with children, disabled persons, and persons of color. Currently, over eighty percent of participant food stamp members include families with children, and approximately a quarter of families have a disabled member. The Act also extends the food stamp program to all documented immigrants, including Legal Permanent Residents, a provision originally removed in 1996. Additionally, as part of the Farm Bill, members of the Congressional Black Caucus, including Representative Maxine Waters (CA), added a provision of \$100 million to settle discrimination claims by Black farmers against the Agriculture Department.² Representative James McGovern (MA) introduced the Act on May 3, 2007.

H. R. S. 456: “Gang Abatement and Prevention Act of 2007”

The Bill seeks to “increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.” The bill establishes new federal gang crimes and imposes tougher federal penalties for violation of gang crimes in hopes of decreasing gang violence and participation.

The Bill earmarks approximately \$500 million for prevention efforts and another \$500 million towards enforcement, recognizing that “neither strategy works without the other.”³ This translates into one billion dollars over a five-year period. The Bill significantly increases mandatory penalties for violent acts committed by gang members and institutes a separate federal

crime for committing, conspiring, or attempting to commit violent crimes in furtherance of a gang. For example, for any serious violent felony, the penalty would range up to thirty years without parole. Other crimes of violence, including an “actual or intended use of physical force against the person of another” are subject to twenty years in prison. The Bill criminalizes the recruitment into a criminal street gang with a penalty of up to ten years, or if done from prison, up to twenty years. The Bill previously contained federal death penalty and mandatory minimum provisions that have since been struck.

Community-based organizations strongly oppose the Bill because it will neither deter gangs nor protect communities. Organizations protest that the Bill’s definition of gangs and gang crimes unduly overreaches law enforcement and discretionarily targets communities of color. The Bill defines a gang as a group of five youths who regularly associate and commit what could be considered a gang crime on three occasions, and thus all five would be eligible for prosecution under the gang law, even individuals in the group who did not participate in the crime. The definition also includes those who have left gangs, and subjects them to the additional federal penalties.

Senator Dianne Feinstein (CA) introduced the Bill on January 31, 2007 and has forty-four co-sponsors. Representative Adam Schiff introduced the Bill to the House in September 2007, and it currently has seventeen co-sponsors.

H.R. 1940: “Birthright Citizenship Act of 2007”

The Act amends the Immigration and Nationality Act to limit right of citizenship to a person born in the United States if the person is born to parents, one of whom is: (1) a U.S. citizen or national; (2) a lawful permanent resident who resides in the United States; or (3) a non-citizen performing active service in the armed forces.

The sponsors of the Act would in effect reinterpret the Constitution’s Fourteenth Amendment Section 1, which reads: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.” Supporters of the Act argue that the government misapplies the Fourteenth Amendment, which they allege was drafted to specifically apply to freed slaves and not undocumented immigrants. The passage of the Act would avoid the daunting task of amending the Constitution through the implementation of federal legislation. Opponents of the Act contend that the U.S. government has correctly interpreted the *jus soli* provision of the Fourteenth Amendment. Denying citizenship to a person born in the United States based on one’s legal status would ignore a historically recognized right by the federal courts and political

branches, and thus strip from a person the first-line of defense of individual rights. European immigrants have traditionally enjoyed a presumption to birthright citizenship, while immigrants of Asia, Africa, and Latin America have fought to defend this right from the political whim of the governing parties.

Representative Nathan Deal introduced the Act on April 19, 2007, and it currently has ninety-seven co-sponsors. An almost identical bill was introduced in the House in 2005.

H.R. 4088: “Secure America Through Verification and Enforcement (SAVE) Act of 2007”

The “SAVE Act,” a strictly immigration enforcement package, proposes to enhance border security and enforcement of existing immigration laws and to expand the employer verification program, Basic Pilot, from currently 30,000 employers to over 6 million employers.⁴ Unlike previous comprehensive immigration reform proposals, the Act disregards the rights and demands of U.S. citizen employers and employees and non-citizens alike by imposing a one-sided approach to immigration.

In efforts to decrease unauthorized employment, the Act would require that all employers use Basic Pilot, an electronic employment verification system that mandates review of all workers’ status including U.S. citizens, new hires, and current employees. The Basic Pilot raises serious alerts for employers and employees alike. The Act provides no assurances that the system will be accurate and updated, or that it will provide privacy protections for the wealth of personal information available on the system. The Act does not extend legal recourse to workers who lose employment due to system errors. Additionally, the Act requires that the Social Security Administration (SSA) check the validity of employees’ social security numbers (SSN)

and report to DHS all employers who have W-2 forms and SSN that do not match the system’s numbers. This places undue burdens on the SSA and employers, in addition to subjecting employees to discrimination and potentially job loss for U.S. citizens.

Additionally, the Act proposes to increase Immigration and Customs Enforcement (ICE) and Border Patrol agents, detention centers, and federal district court judges to detain and prosecute a larger number of removal cases. Opponents to the Act warn that by allowing enforcement of federal laws through local police, the Act would likely lead to mistakes in its application and civil rights violations. The Act would also place a further burden on already overstretched local police departments, and would create increased distrust and violence between immigrants and the police.⁵

Immigrants’ and workers’ rights advocates warn Congressional members that the Act is a misguided policy that will “do nothing to address... the devastation that this broken system creates: exploited workers, thousands of deaths in the desert, and over three million U.S. citizen children living in constant fear that their parents will be deported.”⁶ They maintain that the Bill will lead to greater exploitation of citizen and non-citizen workers by pushing non-citizen workers “deeper underground” and harming citizens through the flawed employment verification system.⁷

Representative Heath Schuler (NC) and Brian Bilbray (CA) introduced the Act on November 6, 2007. It currently has 134 cosponsors in the House. It is identical to Senator Mark Pryor’s (AR) proposed Bill before the Senate S. 2368.

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¹Editorial, *Holding the Hungry Hostage*, N.Y. TIMES, Dec. 7, 2007, http://www.nytimes.com/2007/12/07/opinion/07fri2.html?_r=1&scp=1&sq=Holding+the+Hungry+Hostage+&st=nyt&oref=slogin (last visited Mar. 8, 2008).

²David Herszenhorn, *House Passes Farm Bill, Expanding Food Stamps*, N.Y. TIMES, July 28, 2007, available at <http://www.nytimes.com/2007/07/28/us/28farm.html?scp=1&sq=House+Passes+Farm+Bill%2C+Expanding+Food+Stamps&st=nyt> (last visited Mar. 8, 2008).

³S. REP. NO. 110-11964, September 21, 2007 (quoting Senator Leahy in his address to the Senate).

⁴Immigration Policy Center, *The “Secure America with Immigration and Enforcement” (“SAVE Act”) of 2007 (H.R. 4088) Summary and Analysis of Provisions*; Immigration Policy Center, Dec. 2007, <http://www.immigrationpolicy.org/index.php?content=fc071215> (Last visited Mar. 8, 2008).

⁵*Id.*

⁶See *sign-on letter in opposing HR. 4088/S.2368*, available at, <http://www.aila.org/content/default.aspx?bc=1019%7C6712%7C11536%7C23817> (Last accessed Mar. 8, 2008) (over 200 advocacy groups signed the letter opposing the SAVE Act).

⁷*Id.*