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With Senate Vote, Congress Passes Border Fence Bill
Barrier Trumps Immigration Overhaul

By [Jonathan Weisman](#)
Washington Post Staff Writer
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The Senate gave final approval last night to legislation authorizing the construction of 700 miles of double-layered fencing on the U.S.-Mexico border, shelving President Bush's vision of a comprehensive overhaul of U.S. immigration laws in favor of a vast barrier.

The measure was pushed hard by House Republican leaders, who badly wanted to pass a piece of legislation that would make good on their promises to get tough on illegal immigrants, despite warnings from critics that a multibillion-dollar fence would do little to address the underlying economic, social and law enforcement problems, or to prevent others from slipping across the border. Senate Majority Leader [Bill Frist](#) (R-Tenn.) surprised many advocates of a more comprehensive approach to immigration problems when he took up the House bill last week.

But in Congress's rush to recess last night for the fall political campaigns, the fence bill passed easily, 80 to 19, with 26 Democrats joining 54 Republicans in support. One Republican, [Sen. Lincoln D. Chafee](#)



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(R.I.); one independent, [Sen. James M. Jeffords](#) (Vt.); and 17 Democrats opposed the bill. The president has indicated that he will sign it.

Mexico's foreign affairs secretary, Luis Ernesto Derbez, told reporters in Mexico City yesterday that his country plans to send a letter strongly condemning the measure in an effort to dissuade Bush from signing the bill.


If fully constructed, the fence would span a distance equivalent to the distance between Washington and Jacksonville, Fla.

The Secure Fence Act authorizes the construction of at least two layers of reinforced fencing around the border town of Tecate, Calif., and a huge expanse stretching from Calexico, Calif., to Douglas, Ariz. -- virtually the entire length of Arizona's border with Mexico. Another expanse would stretch over much of the southern border of New Mexico, with another section winding through Texas, from Del Rio to Eagle Pass, and from Laredo to Brownsville.

The Department of Homeland Security would be required to install an intricate network of surveillance cameras on the Arizona border by May 30, 2007, with the entire fence set for completion by the end of 2008.

Under the measure, the secretary of homeland security would have 18 months to achieve "operational control" of the U.S. frontier, using unmanned aerial vehicles, ground-based sensors, satellites, radar and cameras to prevent all unlawful U.S. entries. Fortifying those requirements, Congress approved \$1.2 billion in a separate homeland

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security spending bill to bankroll the fence.

That figure, however, is only a down payment and falls far short of the \$6 billion the fence is expected to cost. Lawmakers from both parties conceded that even at 700 miles in length, the barrier would leave nearly 1,300 miles of border uncovered.

Foes of illegal immigration had clamored for the bill, flooding lawmakers' phones in the past week and sending lawmakers bricks symbolizing the wall they want on the southern border. Advocates of the measure called it a landmark step toward securing the nation's porous borders.

"Fortifying our borders is an integral component of national security," Frist said. "We can't afford to wait."

But opponents dismissed it as a political stunt, an international disgrace and an affront to the ideals laid out by Bush earlier this year when he called for legislation that would couple a border crackdown with new paths to lawful work and citizenship for foreigners seeking entry and for the nation's estimated 12 million undocumented workers.

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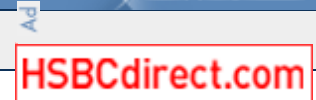
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"This is not a sign of strength and engagement, but a sign of weakness and fear. And frankly, speaking as an American, it's an embarrassment," said Kevin Appleby, director of migration and refugee policy at the U.S. Conference of Catholic Bishops.

Senate Minority Leader [Harry M. Reid](#) (D-Nev.) taunted Bush for laying out an expansive vision of immigration reform, only to cave "to the radical anti-immigrant right wing of his party."

"It is a shame that after he went on national television to call for comprehensive reform, even after he went to Mexico this summer and said he was against fences, he is now willing to settle for this ineffective half-measure," Reid said.

Advocates and opponents of the measure said it is not clear that the fence can be built as the bill envisions. The Arizona branch would have to plunge down steep ravines

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and scale craggy mountain peaks. "This is not Iowa farmland," said [Rep. Raul M. Grijalva](#) (D-Ariz.). Construction is "going to be near impossible."

A vast stretch of the Arizona fence would traverse the lands of the Tohono O'odham Nation, which strongly opposes it and could bring suit, said Rep. Jim Kolbe (R-Ariz.). Construction crews would have to deal with rivers and streams running north to south and wildlife migration routes that do not respect the U.S.-Mexico divide. And the Border Patrol does not have enough agents to stop smugglers from simply knocking holes in remote stretches.

"It's not feasible," said Kolbe, who is retiring from Congress at the end of the year. "It's a statement for the election. That's all."

[Sen. Kay Bailey Hutchison](#) (R-Tex.) tried to amend the Senate bill to give the Department of Homeland Security more flexibility in the placement of the barriers, but House leaders resisted any changes to the House-passed bill. In the end, she settled for a letter from GOP leaders promising to revisit the issue when Congress returns after the elections.

An effort by Sen. Mel Martinez (R-Fla.) to moderate the bill's definition of "operational control" was also dropped. The bill defines operational control as preventing all unlawful entries. Martinez suggested dropping the word "all."

Passage of the fence bill culminated a year of sometimes-vicious infighting among Republicans, who were divided between the get-tough approach of the House GOP and the more comprehensive vision embraced by Bush and many Senate Republicans. In December, the House approved legislation to declare illegal immigrants to be felons, build a border fence, increase penalties for employers who hire undocumented workers, expedite the detention and removal of illegal immigrants, and create a vast database of lawful Social Security numbers and other indicators for employers to use to check the legality of their workers.



The U.S.-Mexico border is at the forefront of a growing debate over U.S. immigration and border security reform.

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The Senate, led by a bipartisan coalition headed by [Sens. John McCain](#) (R-Ariz.) and [Edward M. Kennedy](#) (D-Mass.), followed in May with legislation that coupled many of the same border security measures with guest-worker programs that would allow illegal immigrants to find lawful employment and, eventually, citizenship.

But House GOP leaders never moved to negotiate a final compromise. Instead, this summer, they launched a series of politically freighted immigration field hearings that entrenched the House's enforcement-only approach. House Republicans saw the final passage of the fence bill last night as a victory.

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