

Debunking the Myth of the “Bipartisan” Border Bill: A Comprehensive Analysis

In recent weeks, a narrative has been circulating that President Trump single-handedly "killed the bipartisan border bill." This oversimplification not only misrepresents the complex political reality but also ignores the fundamental issues within the proposed legislation. Let's delve deep into the facts surrounding S. 4361, known as the [Border Act of 2024](#), and examine why it failed to gain true bipartisan support.

1. The Illusion of Bipartisanship

While the media has repeatedly labeled S. 4361 as a "bipartisan" effort, the voting record tells a different story. On May 23, 2024, the bill failed to pass a procedural vote in the Senate with a tally of 43-50. Let's break down this vote:

- 41 Democrats voted in favor
- 4 Republicans voted in favor (Murkowski, Collins, Romney, and Young)
- 46 Republicans voted against
- 3 Democrats voted against (Booker, Padilla, and Sanders)
- 1 Independent voted against (Sinema)
- 7 Senators did not vote (mix of Republicans and Democrats)

This breakdown reveals that opposition to the bill crossed party lines, albeit to different degrees.

It's crucial to note that prominent **Democrats like Cory Booker, Alex Padilla, and Bernie Sanders joined most Republicans in opposing the bill.** This diversity in opposition challenges the simplistic narrative of a purely partisan divide.

2. A Bill That Prioritizes Migrant Protections Over Border Security

Upon closer examination, S. 4361 appears to focus more on expanding protections and benefits for migrants rather than addressing core border security issues:

- a) **Expanded asylum procedures:** The bill introduces "provisional noncustodial removal proceedings" (Section 141) and "protection merits removal proceedings" (Section 142). These new layers of review for asylum seekers would slow down the deportation process for those who don't qualify for asylum.
- b) **Government-funded legal counsel:** Sections 512 and 513 require the government to provide free legal representation for certain unaccompanied minors and "incompetent individuals" in removal proceedings. While ensuring due process is important, this provision places an additional financial burden on American taxpayers.
- c) **Enhanced migrant rights:** Section 511 mandates that the Department of Homeland Security provide clear information to criminal migrants about their rights and obligations in their native language prior to protection determinations.

3. Limited Enforcement Measures

Despite claims of being tough on border security, the bill falls short in several critical areas:

- a) **Lack of border wall funding:** The legislation fails to allocate any new funding for physical barriers along the southern border, a key component of effective border control.
- b) **Weak deterrents for illegal entry:** The bill does not introduce significant new measures to discourage illegal border crossings or visa overstays.
- c) **Border emergency authority limitations:** While Section 301 grants some emergency powers to the Secretary of Homeland Security, it includes numerous exceptions and limitations that could hamper effective border control during crises.

4. The Role of President Trump and Other Influential Figures

While President Trump did call on Senate Republicans to reject the bill and later took credit for "killing" it, **it's an oversimplification to attribute the bill's failure solely to his influence.** Several factors contributed:

- Sen. Lankford voted against the bill.
- Republican senators' own analysis and constituent feedback.
- Concerns raised by border state officials and law enforcement agencies.
- Progressive Democrats' pushback against perceived concessions to Republicans.

5. Voting Breakdown Analysis

The vote reveals interesting patterns, particularly among *border state senators*:

- Arizona: Split vote with Kelly (D) voting Yea and Sinema (I) voting Nay
- Texas: United opposition with both Cruz (R) and Cornyn (R) voting Nay
- New Mexico: United support with both Heinrich (D) and Lujan (D) voting Yea
- California: United opposition with Padilla (D) voting Nay and Butler (D) voting Nay

This breakdown shows a more nuanced picture of border state voting patterns:

1. Arizona's split vote highlights the complex nature of the issue, with Kelly supporting the bill despite representing a border state, while Sinema (who recently left the Democrat party) opposed it.
2. Texas senators maintained a united front against the bill, reflecting strong opposition from this key border state.
3. New Mexico's senators both supported the bill, showing that even border states can have differing perspectives on immigration legislation.
4. California's senators both opposed the bill, which is noteworthy given the state's generally more liberal stance on immigration issues.

Overall, this breakdown underscores the complexity of immigration policy and how it can transcend simple party lines or geographical generalizations.

6. The Path Forward: Genuine Bipartisan Solutions

While S. 4361 failed to gain sufficient support, it's important to consider alternative proposals that have gained traction, particularly among Republicans. One such proposal is H.R. 2, also known as the [Secure the Border Act of 2023](#). Let's examine how this bill differs from S. 4361 and what it proposes:

H.R. 2 - Secure the Border Act of 2023:

1. **Border Wall Construction:** Unlike S. 4361, H.R. 2 explicitly calls for the resumption of border wall construction, allocating significant resources to complete unfinished sections of the wall.
2. **Asylum Reform:** The bill proposes stricter asylum rules, including a "safe third country" provision that would require asylum seekers to apply for protection in the first safe country they enter.
3. **Remain in Mexico Policy:** H.R. 2 seeks to codify the Migrant Protection Protocols (MPP), also known as the "Remain in Mexico" policy, which requires certain asylum seekers to wait in Mexico while their cases are processed.
4. **Enhanced Enforcement:** The bill increases funding for Border Patrol agents and provides additional resources for immigration enforcement within the United States.
5. **E-Verify:** H.R. 2 would make the E-Verify system mandatory for all employers, aiming to reduce the hiring of unauthorized workers.
6. **Ending "Catch and Release":** The bill proposes to end the practice of releasing migrants into the U.S. while they await immigration hearings.
7. **Restricting Parole:** It limits the government's ability to use parole to admit migrants who would otherwise be inadmissible.

Comparison with S. 4361:

- **Enforcement Focus:** H.R. 2 places a much stronger emphasis on enforcement and deterrence compared to S. 4361.
- **Asylum Restrictions:** While both bills address asylum, H.R. 2 takes a more restrictive approach.
- **Physical Barriers:** H.R. 2 explicitly funds border wall construction, which was absent in S. 4361.

- **Bipartisan Support:** Unlike S. 4361, which attempted to bridge partisan divides, H.R. 2 aligns more closely with Republican priorities.

The stark differences between these two bills highlight the wide gap in approaches to border security and immigration reform between the two major parties. Any truly bipartisan solution would likely need to find a middle ground between these contrasting visions.

Conclusion

The failure of S. 4361 is not the result of any single person or party's actions, but rather a reflection of the deep divisions and complex challenges surrounding immigration policy in the United States. The bill's defeat stemmed from a combination of factors, including genuine policy disagreements, political calculations, and diverse constituent concerns from across the political spectrum.

Moving forward, it's crucial to engage in honest, nuanced dialogue about border security and immigration reform. This means looking beyond simplistic narratives and partisan talking points to grapple with the real challenges and trade-offs involved in creating effective, humane, and politically viable border policies.

Only through a clear-eyed assessment of the facts and a willingness to find common ground can we hope to achieve meaningful reform that serves the interests of all Americans while upholding our nation's values and commitments.