



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

Immigration REPORT

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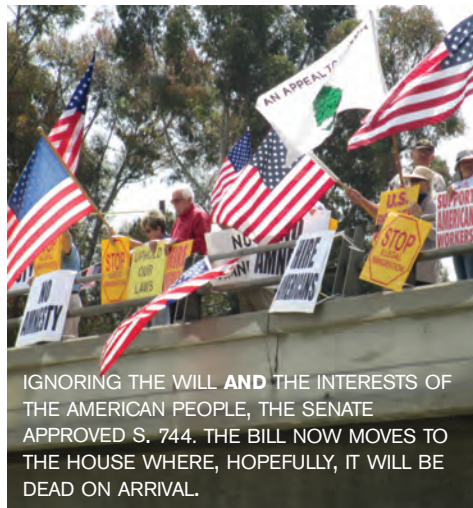
Despite Public Outcry, “Gang of 8” Railroads Amnesty Bill Through Senate; Battle Now Moves to House

On June 27, the Senate approved S. 744, The Border Security, Economic Opportunity, and Immigration Modernization Act, by a 68-32 vote. Falling short of the bill sponsors’ goal of 70 votes, the bill now faces a much tougher hurdle in the House of Representatives. Key House Republicans, including Speaker John Boehner (R-Ohio), have stated emphatically that legislation similar to the Gang of Eight bill will not even be considered, much less approved.

The bill approved by the Senate would grant amnesty to most of the estimated 12 million illegal aliens in the

U.S., and would vastly increase the number of new immigrants allowed to legally settle here. Analysis by FAIR and other immigration experts shows that, in addition to the millions of illegal aliens gaining amnesty under the bill, 22 million new permanent immigrants would gain green cards over the coming decade. Thus, the total number of new permanent immigrants resulting from this bill over a ten-year span would be about 34 million—roughly the current population of Canada.

S. 744 also increases the number of new skilled and unskilled guest workers who would be admitted to our labor force, and would not substantially shift the flow of immigration to a skills-based one, as claimed. As many as 20 million guest workers could be made available to U.S. employers during the coming decade. Moreover, thanks to an amendment offered by Sen. Orrin Hatch (R-Utah), important protections for skilled U.S. workers were stripped from the bill (e.g., requiring employers to seek out American workers before hiring H-1B workers, and denying companies



IGNORING THE WILL AND THE INTERESTS OF THE AMERICAN PEOPLE, THE SENATE APPROVED S. 744. THE BILL NOW MOVES TO THE HOUSE WHERE, HOPEFULLY, IT WILL BE DEAD ON ARRIVAL.

CONTINUED on page 4

Senate Bill Increases Unemployment, Cuts Wages, and Drives Poverty, says Congressional Budget Arm

The Congressional Budget Office, which analyzes the fiscal and economic impact of legislation considered by Congress, found that the Gang of Eight immigration bill would increase unemployment, drive down wages of American workers, and without ending future large-scale illegal immigration. The CBO report was prepared before the Corker-Hoeven amendment was adopted. Amazingly, supporters of the bill and many in the media spun the report as a ringing endorsement of S.744.

The report states explicitly, “Because the bill would increase the rate of growth of the labor force, average wages would be held down in the first decade after enactment by a reduction in the ratio of capital to labor, which would make workers less productive—and therefore lower their wages, on average, relative to what would occur under current law.”

While the sheer volume of new immigration added by S.744 over the coming 20 years—24 million people according to the CBO, on top of the existing influx of more than one million immigrants per year—would boost the total economic

BECAUSE THE BILL WOULD INCREASE THE RATE OF GROWTH OF THE LABOR FORCE, AVERAGE WAGES WOULD BE HELD DOWN IN THE FIRST DECADE AFTER ENACTMENT...WHICH WOULD MAKE WORKERS LESS PRODUCTIVE AND THEREFORE LOWER THEIR WAGES, ON AVERAGE, RELATIVE TO WHAT WOULD OCCUR UNDER CURRENT LAW.

output of the U.S. economy, it would reduce per capita Gross National Product by 0.7 percent during the first ten years the bill was in effect, and it would remain depressed for another eight years below what it would be if the legislation were not passed. Per capita GNP is, of course, a far more important indicator of a nation’s economic well-being than aggregate GNP.

Despite claims that S.744 is the toughest immigration enforcement bill in the history of the nation (assuming that the enforcement provisions are actually carried out), prior to adoption of the Corker-Hoeven amendment, the CBO concluded “the net annual flow of unauthorized residents would decrease by about 25 percent relative to what would occur under current law.” Not only would there be a residual illegal alien population of about 3.5 to 4 million illegal residents, but that population would be growing by about 480,000 people a year, according to the CBO’s reckoning. Modest improvements in border security would be offset by the vastly increased number of guest workers who overstay their visas.

Subsequent to Senate passage of the bill, the CBO produced an updated assessment of the legislation weighing the impact of the changes made by the Corker-Hoeven amendment. Assuming the border security provisions of that amendment are actually implemented, the CBO forecasts

a one-third to one-half reduction in illegal immigration. Thus, even under the CBO’s best case scenario, net illegal immigration would continue at about a quarter of a million people each year—still a far cry from the sponsors’ promise that the bill would effectively end illegal immigration.

Finally, the most ballyhooed finding of the CBO analysis—that enactment of S.744 would reduce the federal deficit by \$197 billion—turns out to be somewhat misleading. The CBO included the Federal Insurance Contributions Act payroll taxes of amnestied aliens as revenue dedicated to the general fund. These Social Security and Medicare taxes are paid into a trust fund that pays benefits to current retirees, and promises benefits to future retirees. The only way this money could reduce the size of the deficit is if these trust funds were raided to pay for other federal expenditures. Moreover, the CBO issued its report before the Corker-Hoeven amendment was introduced, which also would rely on raiding the amnestied aliens’ FICA contributions to pay for enhanced border security.

Astoundingly, these negative findings became the rallying cry for the bill’s passage by the proponents, who portrayed them as a boost to our economy and the fiscal health of the government. Even worse, the mainstream media echoed these deliberate mischaracterizations as fact.

Immigration REPORT

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Senate Amnesty Bill Drives American Workers Further into the Margins, New FAIR Report Finds

Before the 2012 election, all the political talk was about job creation and how one candidate or political party could “put Americans back to work.” Those promises have since been abandoned, at least by the 68 U.S. Senators who voted to pass the Gang of Eight immigration bill. Virtually absent from the Senate floor and in media coverage of the legislative process was any discussion of how this bill would further harm the millions of unemployed Americans—even *after* the Congressional Budget Office projected that S.744 would raise unemployment while reducing workers’ wages.

There are 22 million Americans who are searching for full-time work while Congress is debating a bill that would add around 40 million new foreign workers to the labor force over the next decade. When it comes to the current immigration debate, it is the American worker who is left in the shadows.



THE FULL REPORT, *OUT OF THE SHADOWS: SHINING A LIGHT ON IMMIGRATION AND THE PLIGHT OF THE AMERICAN WORKER*, IS AVAILABLE AT OUR WEBSITE FAIRUS.ORG.

Quick•Facts

- There are 5 million more unemployed today than there were when Congress last considered amnesty in 2007. There are 2 million fewer people working today than at the same time in 2007, while the working-age population has grown by 14 million.
- Minorities and younger workers are disproportionately affected by competition from illegal aliens. The unemployment rate for teenagers in May 2013 was 24.5 percent. The unemployment rate for Blacks was 13.5 percent, 78 percent higher than the national average.
- A recent survey found that 41 percent of college graduates over the last two years are working jobs that do not require a college degree.
- Claims that immigration “grows the economy” ignore the fact that this growth does not benefit the vast majority of the American public. Economic gains from immigration are almost entirely shared by immigrants and the employers of immigrants, while the costs of immigration are passed on to the American taxpayer.
- Wages in occupations that have high concentrations of illegal alien workers have remained stagnant or decreased, despite increased worker productivity and huge gains in corporate profits.

Corker-Hoeven Bogus Border Security Spending Spree Amendment Joins in Gang of 8 Bill Pork Barrel Romp

As the Senate debate over S.744, the Border Security, Economic Opportunity, and Immigration Modernization Act, entered its final week, it appeared to be losing support—particularly among Republicans. The mass amnesty/immigra-

tion increase bill looked as though it would fall short of the 60 votes necessary to bring it to a vote on final passage. Despite the best efforts of the Gang of Eight and many media outlets, it became impossible to hide the fact that the bill’s border security

and enforcement provisions were virtually toothless.

Enter Senators Bob Corker (R-Tenn.) and John Hoeven (R-N.D.). On Friday, June 20, just six days before the vote on final passage was scheduled to take place, the two sen-

S. 744 APPROVED, MOVES TO HOUSE *continued*

that have laid off workers during the previous 90 days access to H-1B workers).

Under the bill, illegal aliens would gain amnesty within 180 days of enactment. The only requirement for the amnesty process to begin is that the Department of Homeland Security submit a border enforcement plan to Congress. Implementation of the plan would not have to take place for at least five years.

As Registered Provisional Immigrants, illegal aliens would be permitted to live and work legally in the U.S., with the ability to renew that status after six years. After ten years, they would be eligible for legal permanent residence, or green cards. After 13 years, they could begin applying for citizenship. While green cards and citizenship are supposed to be contingent upon fulfillment of certain enforcement benchmarks, it is impossible to imagine that any future Congress would deny these benefits even if the enforcement promises are not kept.

RPIs would be required to file tax returns (although, technically, they are already required to do so as illegal aliens). The bill does not require them to pay back taxes on unreported earnings. Moreover, because many illegal aliens are unskilled and have limited education, their future tax liability is likely to be minimal. However, S.744 would entitle them to tax credits which, in many cases, could result in receiving money **from**—rather than paying money **to**—the government.

Far from being an immigration enforcement bill, as advertised by its sponsors, S.744 would further tie the hands of Immigration and Customs Enforcement officers who are charged with interior enforcement. The bill makes it virtually impossible to remove anyone who has applied for RPI status. It also creates new restrictions on ICE's ability to carry out its law enforcement duties.

The border enforcement requirements of S.744, described as “tough as nails” by the bill's prime author, Sen. Chuck Schumer (D-N.Y.), similarly fall short of claims. The bill calls for significant spending increases for border security and the addition of some 20,000 new Border Patrol agents in coming years, but leaves the Secretary of DHS with discretion over whether to carry out these mandates. In fact, S.744 rolls back fencing requirements enacted by Congress in 2006, and entry/exit control systems—vital to preventing visa overstays—enacted in 2002.

TO READ MORE ABOUT WHAT S. 744 DOES AND DOES NOT DO,
PLEASE VISIT FAIR'S WEBSITE FAIRUS.ORG.

DEBATE MOVES TO THE HOUSE

In the coming months, the battle over immigration will move to the House of Representatives. The initial response by the House leadership to the Senate's passage of S.744 has been encouraging for supporters of true immigration reform. Many Representatives have rejected out of

CONTINUED next page

hand the Senate's approach of granting immediate amnesty to illegal aliens, while promising future enforcement—which, based on history, is unlikely to be delivered.

House leaders have stated that they prefer a step-by-step approach to immigration reform, beginning with border and interior enforcement measures. Speaker Boehner, under pressure from the Republican caucus, has vowed to adhere to the “Hastert rule,” which precludes bringing a bill to the floor that does not have the support of the majority of the majority party.

While these statements are certainly encouraging, FAIR is not taking them for granted. Significant dangers loom, and ensuring that anything remotely similar to S.744 is stopped dead in its tracks in the House will require a full-scale effort by FAIR and participation by members and activists across the country.

AMONG THE CONCERNS AS THE IMMIGRATION FIGHT MOVES TO THE HOUSE:

- As the battle moves to the House, so too does the big money behind the amnesty and open borders effort. Until now, that money was directed at influencing members of the Senate. Business and foundation lobbying and campaign money will now be targeted at House members.
- There are key House Republicans who support legislation similar to the Senate bill. Among those is Rep. Paul Ryan (R-Wis.), the party's 2012 vice presidential nominee, who vocally supported S.744.
- The possibility of a sell-out during a conference committee. Even if the House passes substantially different legislation than the Senate, a small number of members of both houses could have enormous latitude in crafting a “compromise” conference bill. Both Speaker Boehner and Majority Leader Eric Cantor (R-Va.) have expressed a willingness to accept a final legislative package that includes amnesty and significant increases in immigration.

OVER THE COMING MONTHS, FAIR WILL BE INTENSELY FOCUSED ON PROCEEDINGS IN THE HOUSE. WE WILL BE WORKING WITH ALLIES IN THE HOUSE AND THROUGH OUR MEMBERS TO ENSURE THAT ANY LEGISLATION THAT COMES OUT OF THAT BODY PROTECTS THE INTERESTS AND SECURITY OF THE AMERICAN PEOPLE, AND DOES NOT INCLUDE AMNESTY OR OVERALL INCREASES IN IMMIGRATION.

How Do You Get 68 Votes for an Amnesty and Open Borders Bill?

The old-fashioned way: You buy them, senator by senator.

Not every one of the 68 senators who voted in favor of the Gang of Eight bill needed to be enticed with special interest provisions and kickbacks. Some, for ideological reasons, truly believe that aliens who came or remained here illegally deserve amnesty, while others subscribe to the more-is-always-better philosophy.

But many senators clearly understand that rewarding illegal behavior is wrong and that flooding U.S. labor markets with millions of foreign workers undermines the well-being of American workers. We know this to be true because these members have opposed amnesty and immigration increases in the past.

For these senators, backroom deals were cooked up to satisfy key home state business interests, or to deliver funding for pet projects. The last minute Corker-Hoeven amendment, which allegedly beefed-up S.744's weak border security provisions, quietly added some inducements to gain the support of swing senators.

Among the special interest provisions thrown into Corker-Hoeven were:

Crabhusker Kickback. This carve-out to secure the votes of Alaska Senators Lisa Murkowski (R) and Mark Begich (D) classifies seafood processing positions in Alaska as “shortage occupations,” thus allowing the industry to bring in more cheap foreign labor to do those jobs.

Northern Exposure. A carve-out for Sens. Susan Collins (R-Maine) and Jon Tester (D-Mont.) shifts additional resources from the southern border to northern border states.

Sanders' Surrender. Sen. Bernie Sanders (I-Vt.) has been a passionate critic of legislation that undermines U.S. workers by flooding our labor markets. To get his vote, a carve-out in the amendment creates a “Youth Jobs Fund,” for FY 2014-2015 that Sanders has championed.

Heller's Hotels. Tucked away in the Corker-Hoeven amendment is a kickback for Las Vegas hotel and casino chains. The provision permanently gives \$100 million annually to the tourism industry under the Travel Promotion Fund—a nice prize Nevada Senators Dean Heller and Harry Reid can claim for their state's biggest industry. The funding was set to expire in 2015, but the provision extended it indefinitely.

These and other provisions added to the bill managed to entice enough senators to ignore public opposition to the bill and surpass the 60 votes needed to bring S.744 to the floor for a vote on final passage. However, similar special-interest provisions offered to others were not as fruitful and efforts to gather 70 votes for the bill were unsuccessful.

Across the Country, Voters Overwhelmingly Oppose S. 744

Passage of S.744 by the U.S. Senate occurred in spite of overwhelming opposition to just about every one of the bill's key provisions. In the weeks leading up to the Senate vote on S.744, FAIR commissioned polls of likely voters in 16 states: Arkansas, Georgia, Idaho, Indiana, Kentucky, Louisiana, Montana, Nebraska, New Hampshire,

North Carolina, North Dakota, Ohio, South Dakota, Tennessee, West Virginia, and Wisconsin.

Most importantly, in every state, opposition to passage of the bill vastly exceeded support for passage. In a small number of states, voters opposing final passage constituted a plurality of those polled. In all of the others, clear majorities opposed

passage of the bill.

While the Senate chose to ignore the will of the American people, these poll findings in key battleground states will serve as a cautionary message to members of the House as they endure pressure from special interests to follow the Senate's lead.

60% of Arkansans Strongly Oppose
giving the Secretary of Homeland Security discretionary authority to grant amnesty to criminal aliens.

The polling, conducted by Pulse Opinion Research, described major provisions of the Gang of Eight bill and asked voters whether they supported or opposed them.

The margins varied from state to state, but the polls uniformly found that voters:

- Oppose granting amnesty to illegal aliens before enforcement provisions are carried out. Substantial numbers of voters opposed amnesty under any circumstance.
- Oppose the discretionary authority given to the Secretary of Homeland Security to grant amnesty to illegal aliens with criminal records.
- Oppose the substantial immigration increases called for in the bill.
- Oppose the substantial increases in guest workers called for in the bill.

THE FULL RESULTS OF EACH OF THE STATE POLLS CAN BE FOUND ON OUR WEBSITE FAIRUS.ORG.



CORKER-HOEVEN AMENDMENT *continued*

THE ADDITION OF IDENTIFIABLE BORDER SECURITY CRITERIA BY SENS. CORKER AND HOEVEN IS NOTHING BUT UNENFORCEABLE WINDOW-DRESSING DESIGNED TO WIN SUPPORT FOR THE BILL.

ators stepped forward with a 1,187 page amendment hailed as the solution to the bill's weak enforcement provisions. Members of the Senate had 75 hours, ahead of the vote scheduled for the following Monday, to review the Corker-Hoeven amendment.

Most of them clearly didn't read beyond the talking points issued by Corker, Hoeven, and the Gang of Eight. The amendment changed very little about the Gang of Eight bill. At its core, S.744 remains an amnesty-first, enforcement-later (or, perhaps, never) bill. As amended, the bill still provides for amnesty, or Registered Provisional Immigrant status, within 180 days of enactment. The border security provisions would not have to be implemented for as much as a decade after enactment. It also leaves the door open for future Congresses to substantially alter the border security requirements.

The amendment **does** add to the considerable cost of the legislation. It calls for as much as \$46.3 billion in new border security spending. The money is to be borrowed from the temporary boost to the Social Security Trust Fund, as younger legalized aliens pay into a system from which they will expect retirement and other benefits in the future.

The amendment merely sets up defined border security and technology measures that must be "deployed"

along the border before illegal aliens granted RPI status can get a green card. The amendment doesn't require that the technology be fully operational and in use. Among the measures called for in the Corker-Hoeven amendment are the hiring of an additional 20,000 Border Patrol agents, completion of 700 miles of single-layer fencing along the southern border, increased technological resources, full implementation of E-Verify by employers, and implementation of a biometric entry/exit control system.

Notably, with the exception of the additional border agents, stronger enforcement provisions already exist under current laws that are being ignored by Congress and the Obama administration. Existing law requires 700 miles of double-layer fencing, though only a fraction of that has been built. Current law also requires collection of biometric data from all foreign nationals entering and leaving via air, sea, and land ports. Corker-Hoeven exempts the millions of people who depart across land borders, the from the collection of biometric exit data, leaving us unable to determine when people have overstayed their visas.

Moreover, the amendment gives the DHS Secretary the authority to reallocate border security resources and use alternatives to the defined technology, effectively undermining and gutting any specified measures. Thus, the addition of identifiable border security criteria by Sens. Corker and Hoeven is nothing but unenforceable window-dressing designed to win support for the bill.

By Corker's own admission, his amendment does not address any of the significant concerns about the bill's weaknesses in the area of interior enforcement. Provisions in the original bill, designed to tie the hands of ICE agents, remain untouched by Corker-Hoeven.

The amendment also includes political pay-offs to entice swing senators to support final passage. These include special immigration benefits for Alaska seafood processors, ski resort operators, and other interest groups. In the end, these political pay-offs secured enough additional Republican votes to pass the amendment, 67-27, and provide cover for lawmakers to vote for final passage by claiming that they addressed border security.

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