



FAIR FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration REPORT

JUNE 2013

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## “Gang of Eight” Amnesty Bill Heads to Senate Floor, Gets Few Changes

**A**fter a truncated hearing process on legislation that could alter just about every aspect of life in the United States, the Senate Judiciary Committee began the mark-up process of S.744, the Border Security, Economic Opportunity, and Immigration Modernization Act.

“MARK-UP” IS THE PROCESS BY WHICH THE COMMITTEE WITH JURISDICTION OVER A PIECE OF LEGISLATION AMENDS THE ORIGINAL DRAFT BEFORE SENDING IT TO THE FULL SENATE FOR CONSIDERATION.

As the mark-up of S.744 began on May 9, it became evident that the Democratic majority would permit few

meaningful improvements to the bill. During the first day of mark-up, the Committee addressed amendments to Title I of the bill, which deals with Border Security.

Throughout the course of the day, Lindsey Graham (S.C.) and Jeff Flake (Ariz.)—the two Republican members of the Gang of Eight who sit on the Judiciary Committee—joined with the panel’s ten Democrats to block amendments that would significantly improve border security, including amendments which would have required implementation of laws Congress has already passed.

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## FAIR In Action: *Hold Their Feet to the Fire 2013*

**W**hen FAIR began planning its annual Hold Their Feet to the Fire event for April 17th and 18th, we knew that the Senate Gang of Eight was getting ready to roll out their amnesty bill. What we could not have foretold was how dead-on our timing was.

Less than three hours before the first of our 46 talk radio hosts took to



Sen. Marco Rubio defends “Gang of Eight” bill at Hold Their Feet to the Fire radio row.

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## S. 744 Will Triple Immigration to the U.S.

**F**AIR's analysis of the Gang of Eight immigration bill reveals that enactment of the legislation would nearly triple the number of work-authorized immigrants admitted to the U.S. to almost 34 million over the next decade—the equivalent of the entire population of Canada.

S.744's amnesty provisions would grant legal status to 12.8 million people, including: illegal aliens who arrived prior to 2012, deported aliens with close relatives in the U.S., illegal aliens who entered the country before age 16, and illegal aliens who worked in agriculture. A decade after enactment, virtually all of these amnesty beneficiaries would become green card holders.

In addition to the 12.8 million amnesty recipients, FAIR estimates another 21 million immigrants would receive green cards during the first decade of enactment. These new arrivals would include about 12 million people who would enter through existing family and employment-based systems, through a newly created merit-based system (which gives points



WHILE MORE THAN 20 MILLION AMERICANS ARE UNABLE TO FIND FULL-TIME WORK, S. 744 HOLDS THE POTENTIAL FOR ADMITTING MORE THAN 50 MILLION PERMANENT IMMIGRANTS AND TEMPORARY WORKERS OVER THE COURSE OF A DECADE.

for having relatives in the U.S.), plus the fast-track admission of about 4 million current applicants who are waiting in line.

Our analysis also predicts that the tidal wave of immigration generated by S. 744 would not abate after the first decade. Under provisions in the bill, legal permanent residents, like citizens, would be eligible to petition for relatives who

would not be subject to any numerical caps.

Even more astounding, FAIR's 34 million figure does not include admissions of temporary workers who might gain access to the U.S. labor market over the coming decade. According to Sen. Jeff Sessions, S.744 could result in as many as 25 million temporary work visas being issued over a ten-year period.

### S. 744 ADMISSIONS—2015 TO 2024

AMNESTY RECIPIENTS	12,800,000
BACKLOG REDUCTION	4,050,000
EMPLOYER SPONSORED	1,132,010
EDUCATION BASED	314,447
MERIT BASED	1,269,076
"RECAPTURE" OF PAST UNUSED VISAS	325,000
INVESTOR VISAS	125,779
DERIVATIVE VISAS TO DEPENDENTS	1,179,177
UNCAPPED IMMEDIATE RELATIVES	855,000
IMMIGRATION THROUGH EXISTING VISAS	11,805,236
<b>TOTAL ADMISSIONS</b>	<b>33,855,725</b>

**Immigration**  
**REPORT**

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## The “Gang of Eight” Amnesty Would Cost U.S. Taxpayers \$6.3 Trillion, Finds Heritage Foundation

Congressional analysis of the fiscal impact of pending legislation is limited to the first decade after enactment. However, because of the way the Gang of Eight’s amnesty bill, S.744, is structured, nearly all of the costs would be incurred outside the ten-year window.

According to an exhaustive analysis by the Heritage Foundation, the price tag for the Gang of Eight amnesty, over the course of the lifetimes of those gaining legalization, would be an astounding \$6.3 trillion. The study of the bill’s fiscal impact was conducted by Robert Rector, a highly regarded scholar in this area. A similar analysis by Rector of the McCain-Kennedy amnesty bill in 2007 placed the cost of that legislation at \$2.6 trillion.

In his study of S.744, Rector looked at the impact of amnesty for an estimated 12 million illegal aliens on Social Security and

### KEY FINDINGS OF THE REPORT

- The typical illegal alien who would gain amnesty under the bill is 34 years old and has a 10th grade education. Even while in illegal status, such an individual uses \$14,387 more in government benefits and services than he pays in taxes. After amnesty, that net deficit to the federal, state and local governments would more than double to \$29,500.
- Over the course of the typical amnestied alien’s lifetime (about 50 years in the case of a 34-year-old), that individual would receive about \$592,000 more in government benefits and service than he would pay in taxes. In terms of Social Security benefits, an amnestied alien could expect to receive about \$3 in benefits for every \$1 dollar paid into the Social Security Trust Fund.
- In total, illegal aliens legalized under the bill could be expected to pay about \$3.1 trillion in taxes while using about \$9.4 trillion in government benefits and services for a net deficit of \$6.3 trillion.

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### Hearings on S. 744 Stacked with Supporters of the Bill

Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.), whose committee has primary oversight responsibility over immigration legislation, **reluctantly** agreed to hold a handful of hearings on a nearly 900-page bill that could affect just about every aspect of life in the United States.

Unfortunately, the Judiciary Committee hearings turned out to be a less than honest effort to examine the potential impact of the bill. After months of excluding those who disagree with granting amnesty to illegal aliens and massive increases in overall immigration from having access or input into the Gang of Eight’s bill, the Judiciary Committee stacked the witness list with people who support amnesty and huge immigration increases.

The hearings featured Homeland Security Secretary Janet Napolitano who, a week after the terrorist bombings in Boston, presented the Obama administration’s position that our borders are already secure and that our immigration laws are being vigorously enforced. While critics of the bill were included on these panels, they were weighted decidedly in favor of immigrant advocacy organizations and business lobbies.

Despite both the Gang of Eight’s and the Judiciary Committee’s pledges to listen to advice from all parties, the mark-up process indicates that eliciting testimony from critics of the bill was more about providing the appearance of fairness than actually giving serious consideration to their concerns. After an extremely truncated hearing process for a bill of this magnitude, the Judiciary Committee rejected virtually every amendment that would have altered S.744 in any meaningful way.





S. 744 JUDICIARY COMMITTEE MARK UP *continued*

The committee beat back efforts to make amnesty for illegal aliens contingent upon measurable success in securing our borders. As written, the bill requires the Department of Homeland Security to present a border security plan to Congress within six months of enactment. The committee rejected an amendment by Sen.

**JUDICIARY COMMITTEE VOTE**

BLUMENTHAL (D-CONN.)	✓
COONS (D-DEL.)	✓
CORNYN (R-TEXAS)	✗
CRUZ (R-TEXAS)	✗
DURBIN (D-ILL.)*	✓
FEINSTEIN (D-CALIF.)	✓
FLAKE (R-ARIZ.)*	✓
FRANKEN (D-MINN.)	✓
GRAHAM (R-S.C.)*	✓
GRASSLEY (R-IOWA)	✗
HIRONO (D-HAWAII)	✓
KLOBUCHAR (D-MINN.)	✓
LEAHY (D-VT.)	✓
LEE (R-UTAH)	✗
SCHUMER (D-N.Y.)*	✓
SESSIONS (R-ALA.)	✗
WHITEHOUSE (D-R.I.)	✓

✓ AYE ✗ NAY

★ GANG OF EIGHT MEMBER

Chuck Grassley (R-Iowa) that would have required that the border be under “effective control” for at least six months before DHS could process applications for Registered Provisional Immigrant status—the first and most important step in the amnesty process.

In urging his colleagues to reject the amendment, Sen. Chuck Schumer (D-N.Y.), another Gang of Eight member, all but admitted that effective control of the border is unlikely to happen at all under this bill. “This amendment would set a

standard that basically would delay, probably forever, any legalization, bringing people out of the shadows,” Schumer said.

The committee did agree to an amendment offered by Grassley that would require that the Border Patrol apprehend 90 percent of illegal entrants detected in all nine sectors of the U.S.-Mexico border, instead of just “high-risk” sectors. As introduced, S. 744 required DHS to achieve a 90 percent apprehension rate at the U.S.-Mexico border, but only in “high-risk” sectors. Currently, only three sectors meet the apprehension level of 30,000 for that designation.

The committee also rejected an amendment offered by Sen. Jeff Sessions (R-Ala.) that would have made tracking visa overstayers more effective. Sessions’ amendment would have required that DHS implement a law passed by Congress in 1996 mandating the collection of biometric data on all foreign nationals entering and leaving

the United States. The collection of such data as people exit the country has never been implemented, making it impossible to determine whether people overstay their visas.

S.744 only requires the collection of much weaker and fraud-prone biographic exit data. In addition, the bill exempts the collection of data for people exiting the country across land borders. Visa overstays contribute significantly to illegal immigration and pose a danger to homeland security. Most of the 9/11 terrorists entered on nonimmigrant visas and several overstayed their period of admission undetected by law enforcement. Since then, at least 36 individuals who overstayed their visas have been convicted of terrorism-related charges.

When the committee resumed mark-up of S.744 on May 14, it turned its attention to the admission of *legal* immigrants to the United States. Estimates by FAIR and others project that enactment of the bill would result in about 34 million people gaining the right to live and work in the United States in just the first decade. Nevertheless, the committee voted down an amendment by Sen. Sessions that would have set that level as the limit on the number of new workers who could be admitted in a ten-year period.

Sessions’ amendment would have capped legal immigration at 23 million over the course of a decade—about double current admission levels—and “limited” the admission of temporary workers to 10 million. The refusal of the committee to agree to even these extremely generous caps belies the Gang of Eight’s contention that their bill would not lead to significant increases in overall immigration to the United States. In fact, the numbers would **triple** during the first decade of enactment, as millions of illegal aliens gain amnesty, and would continue beyond that as these new citizens petition for their relatives.

**EDITOR’S NOTE:** AT THE COMPLETION OF THIS ISSUE OF THE FAIR IMMIGRATION REPORT, THE SENATE JUDICIARY COMMITTEE COMPLETED MARK-UP OF S.744 HAVING MADE FEW SUBSTANTIVE CHANGES TO THE BILL. THE COMMITTEE APPROVED THE BILL BY A 13-5 VOTE. THE FULL SENATE IS EXPECTED TO DEBATE AND VOTE ON THE BILL IN JUNE. FOR THE LATEST INFORMATION ABOUT S.744, PLEASE VISIT OUR WEBSITE, [WWW.FAIRUS.ORG](http://WWW.FAIRUS.ORG). YOU CAN ALSO SIGN UP FOR OUR LEGISLATIVE UPDATES WHICH WILL PROVIDE THE MOST UP-TO-DATE INFORMATION AND WAYS YOU CAN MAKE YOUR VOICE HEARD.

HOLD THEIR FEET TO THE FIRE 2013 *continued*

the airwaves from the Phoenix Park Hotel on Capitol Hill, Sen. Chuck Schumer (D-N.Y.) walked out onto the floor of the United States Senate in the middle of the night to formally introduce S. 744, the Gang of Eight amnesty bill.

Thanks to FAIR's Government Relations team (who apparently do not sleep either), we were able to provide a broad outline of the bill's numerous provisions to the talk radio hosts as they went on the air throughout the two days of the event. As a result of this fortuitous timing, talk radio listeners across the country understood that we were once again in the midst of a critical battle to defend jobs, tax dollars, and the broad interests of the American people from another attempt by illegal alien advocates and cheap labor interests to co-opt American immigration policy.

In addition to the 46 talk hosts, Hold Their Feet to the Fire featured the voices of many of the nation's leading immigration policy experts, law enforcement officials from across the country, Americans who live along the border, and a steady stream of congressmen and senators. As Hold Their Feet to the Fire commenced just two days after the bombings at the Boston Marathon, the salient presence of sheriffs from across the country was a reminder that the federal government's inadequate enforcement of immigration laws is a serious threat to our safety and security.

One of the highlights of the event was the appearance of Florida Senator Marco Rubio who came directly from the Gang of Eight's news conference introducing S. 744,

to the Phoenix Park Hotel to discuss the bill with talk hosts on radio row. Rubio faced respectful, but challenging questions from talk hosts who were already well-versed in the amnesty and cheap labor provisions of the bill, and in the gaping loopholes in the bill's enforcement provisions.

Hold Their Feet to the Fire 2013 received unprecedented coverage from the mainstream media. Reporters from *The New York Times*, *Wall Street Journal*, *USA Today*, *McClatchy*, *Politico*, *The Hill* and national broadcast outlets like NPR covered the event. This national coverage sent a clear signal that FAIR was preparing to mount a vigorous effort to beat back the attempt to grant amnesty to millions of illegal aliens and undermine American workers.

In addition to the radio component of Hold Their Feet to the Fire, FAIR's Field Department coordinated lobbying visits for activists from around the country who came to Washington to express their concerns directly to their members of Congress. These activists reminded members of Congress and their staffs that the lobbyists who represent illegal aliens or cheap labor interests do not speak for the vast majority of Americans.

THE SUCCESS OF HOLD THEIR FEET TO THE FIRE TOOK THE COMBINED EFFORTS OF EVERYONE AT FAIR, BUT PARTICULAR CREDIT GOES TO BOB DANE AND KRISTEN WILLIAMSON WHO ORGANIZED THE EVENT. WE WOULD ALSO LIKE TO THANK STEVE KIRSCH AND HIS TEAM OF ENGINEERS AT SILVER LAKE AUDIO WHO, ONCE AGAIN, DID A FLAWLESS JOB OF MAKING SURE THE TECHNICAL OPERATIONS RAN SMOOTHLY.

HERITAGE FOUNDATION STUDY *continued*

some 80 means-tested government entitlement programs, including Obamacare. Once current illegal aliens meet the bill's qualifications for green cards (after ten years) and citizenship (after 13 years), they would become eligible for all of these entitlements. Because the illegal alien population is generally poorly educated and poorly skilled, most would continue to earn low wages even after amnesty.

The Heritage study may actually underestimate the true cost of the Gang of Eight amnesty. For one thing, it assumes that there would be no fraud and that only the 12 million illegal aliens estimated to qualify for amnesty

would gain legalization under the bill. However, past experience and broad discretion granted to the Secretary of Homeland Security indicate that many more people could gain amnesty fraudulently.

Nor does the Heritage study examine the impact of amnesty on other workers in this country. The effect of amnesty on millions of American workers could be increased unemployment and erosion of wages for those with jobs. As a result, governments at all levels would suffer a loss of tax revenues, while more people would necessarily rely on government programs and services.

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*You are cordially invited to join.*



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