

April 4, 2006

Standing for Stronger Borders and Against Amnesty

In the Senate on April 4, Senator Byrd talked about the dangers of granting amnesty to illegal immigrants in the United States. There are millions of people waiting in line in their home countries to come into the United States legally; those people should not be forced to wait even longer because others have chosen to flaunt the law. Rewarding those who break the laws would serve to encourage more people to rush the borders and break the laws. Senator Byrd's remarks are below.

Today, I speak on the Specter-Leahy substitute to S. 2454, the Frist Border Security bill.

At the present time, the Frist bill contains no amnesty for illegal aliens. However, if the Specter-Leahy Substitute is adopted, it would effectively attach a massive amnesty for eight to twelve million illegal aliens. And provide those illegal aliens with a path to U.S. citizenship. According to immigration experts, the pending substitute amendment – with its guest-worker program, and amnesty for undocumented aliens – would open the gates to thirty million legal and illegal immigrants over the next decade.

I oppose this amnesty proposal – absolutely and unequivocally. I urge the Senate to pass a clean border security bill like the House did – without amnesty, without a guest-worker program, and without an increase in the annual allotment of permanent immigrant visas.

For more than four years, the nation has wondered how 19 terrorists managed to penetrate our border defenses to carry out the September 11 attacks. It chills the blood to think of those terrorists crossing our borders not once, but several times in the months before the attack – easily outsmarting our border security checks to plot their dastardly scheme. They walked among us as tourists, students, and business travelers. Three of them even stayed in the United States as illegal aliens.

Today, more than four years later, our country remains dangerously exposed to terrorists seeking to penetrate our border defenses. Since September 2001, an estimated two million new illegal immigrants have successfully beaten our border and interior security, and are now

settled in the United States. That's two million new illegal immigrants since the Government pledged to regain control of the border after the 9/11 attacks.

Our immigration agencies are plagued with management and morale problems. They still do not have an exit-entry system with interoperable, biometric watch lists to accurately identify who is entering the country. We still cannot tell who is leaving the country. The requirement for foreign visitors to use biometric, machine-readable passports continues to be delayed, exempting millions of aliens each year from background checks. The Administration, still, stubbornly refuses to support the resources our border and interior enforcement agencies need to effectively do their jobs.

Meanwhile, the immigrant population continues to surge. The Center for Immigration Studies calculates that 1.5 million immigrants are settling both legally and illegally in the United States each year. The U.S. Census Bureau projects that immigration will be a major cause of the population of the United States increasing to 400 million people in less than 50 years.

The National Research Council estimates that the net fiscal cost of this massive immigration ranges from \$11 billion to \$22 billion per year, with the infrastructure of our nation – our schools, our health care system, our transportation and energy networks – increasingly unable to absorb this untenable surge in the population.

Many tout the additional border and interior enforcement personnel authorized since September 2001, but the president's budget has not come anywhere close to funding those authorizations. Homeland security expenditures have been capped at levels that prohibit the Congress from adequately filling the gaps. Senator Gregg and I have had to fight for every additional nickle and dime that goes into our border security. It is never enough.

Immigration enforcement in the United States remains decidedly, half-hearted. We are pulling our punches. Tougher border security mandates are signed into law, but then not fully funded. Statutory deadlines are set, but then indefinitely postponed. Undocumented aliens are denied Social Security cards, but then issued drivers licenses and taxpayer identification numbers. Employers are warned not to hire illegal labor, but then allowed to sponsor, without penalty, their illegal workforce for legal status. Funds are not requested to perform even the barest level of work site enforcement. We send troops abroad ostensibly so that we don't have to fight terrorists on American streets, but then we turn a blind-eye to millions of

unauthorized, undocumented, unchecked aliens – any one of whom could be a potential terrorist.

When lawmakers and the so-called pundits comment that our current system is unworkable, it's because we haven't really tried to make it work. The contradictions in our immigration policies are undeniable. Lawmakers decry illegal immigration, but then advocate amnesty proposals which only encourages more illegal immigration. Advocates may try to distance themselves from that word – “amnesty”. They may characterize their proposals as “guest-worker” programs or “temporary visas”, but the effect is the same – to waive the rules for lawbreakers, and to legalize the unlawful actions of undocumented workers and the businesses that illegally employ them.

Amnesties are the dark and sinister underbelly of our immigration process. They tarnish the magnanimous promise of a better life enshrined on the base of the Statue of Liberty. They minimize the struggle of all those who dutifully followed the rules to come to this country, and of all those who are still waiting abroad to immigrate legally. Amnesties undermine that great egalitarian and American principle that the law should apply equally and fairly to everyone. Amnesties perniciously decree that the law shall apply to some, but not to all.

Amnesties can be dangerous, dangerous proposals. Amnesties open routes to legal status for aliens hoping to circumvent the regular security checks. By allowing illegal aliens to adjust their status in the country, we allow them to bypass State Department checks normally done overseas through the visa and consular process. One need only look to the 1993 World Trade Center bombing, where one of the terrorist leaders had legalized his status through an amnesty, to clearly see the dangers of these kinds of proposals.

Our immigration system is already plagued with funding and staffing problems. It is overwhelmed on the borders, in the interior, and in its processing of immigration applications. It only took nineteen temporary visa holders to slip through the system to unleash the horror of the September 11 attacks. The pending proposal would shove 30 million legal and illegal aliens -- many of whom have never gone through a background check -- through our border security system, in effect, flooding a bureaucracy that is already drowning. It's a recipe for utter disaster.

Amnesties beget more illegal immigration – hurtful, destructive illegal immigration. They encourage other undocumented aliens to circumvent our immigration process in the hope that they too can achieve

temporary worker status. Amnesties sanction the exploitation of illegal foreign labor by U.S. businesses, and encourage others businesses to hire cheap and illegal labor in order to compete.

President Reagan signed his amnesty proposal into law in 1986. At the time, I supported amnesty based on the same promises we hear today – that legalizing undocumented workers and increasing enforcement would stem the flow of illegal immigration. It didn't work then, and it won't work today. The 1986 amnesty failed miserably. After 1986, illegal immigrant population tripled from 2.7 million aliens, to 4 million aliens in 1996, to 8 million aliens in 2000, to an estimated 12 million illegal aliens today.

In that time, the Congress continued to enact amnesty after amnesty, waiving the Immigration Act for lawbreakers. The result is always the same – for every group of illegal aliens granted amnesty, a bigger group enters the country hoping to be similarly rewarded.

The pending substitute amendment embodies this same flawed model. It's more of the same – more amnesties, more guest worker programs, more unfunded mandates on our immigration agencies. We ought to be focusing on how to limit the incentives for illegal immigration, and erase the contradictions in our immigration policies that encourage individuals on both sides of the border to flout the law and get away with it.

What's backwards about the pending substitute amendment is that it is actually rewarding illegal aliens. It rewards illegal behavior. It authorizes illegal aliens to work in the country. It grants illegal aliens a path to citizenship. It pardons employers who illegally employ unauthorized workers. It even repeals provisions in current law designed to deny cheaper, in-state tuition rates to illegal aliens.

The pending amendment is a big welcome mat for illegal immigrants. It is a misguided and dangerous proposal that would doom this Congress to the failures of previous Congresses.

The economist John Maynard Keynes once described the qualification for an economist as being the ability to study the present, in the light of the past, for the purpose of looking into the future. Patrick Henry echoed those sentiments more than a century earlier when he said "I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging the future but by the past."

Our nation's experience shows that amnesties do not work. They are dangerous proposals that reward and encourage illegal immigration. Our experience shows that we cannot play games with our border

security or American lives could be lost.

I will oppose the Specter-Leahy substitute amendment, and I urge my colleagues to do likewise.

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