

## **IMMIGRATION: WHAT THE DEAL-MAKERS DON'T WANT YOU TO KNOW**

As the White House, certain Democrats and the Immigration Deal-Makers continue to press for another shot at passing the immigration bill, they are misrepresenting what really happened with respect to its failure the first go around. They would have you believe that a small band of “anti-immigrant” conservatives who don’t want “what’s right for America” somehow acted in “bad faith.” These allegations are simply false.

### **There are three primary reasons the bill failed:**

- The complicated legislation, constantly being tweaked by the White House and the Deal-Makers, is ***full of loopholes and problems that deserved amendment and full consideration – consideration denied by Democrats.***
- ***The White House, certain Democrats and the Deal-Makers blatantly disregarded the legislative process*** – drafting the bill behind closed doors, skipping the committee process, jamming the bill through the system, limiting the number and type of amendments that could be offered and trying to close down debate on the bill long before appropriate concerns with the bill had been addressed fully.
- ***The American people rightly refuse to buy what the deal-makers are selling*** – the rewarding of legal status in our country to millions who ignored our laws in exchange for yet another promise to fix our broken immigration system.

### **Important Republican Amendments Rejected, Ignored or Undermined:**

Harry Reid and the Deal-Makers wanted (and still claim to want) Republicans to come forward with a limited “short” list of further amendments to the bill. Certain Republicans rightly object to such an arbitrary limit – and a brief look at a sampling of the types of amendments rejected, not allowed to be considered, or accepted but on the chopping block is instructive:

- An amendment to require completion of background checks before Z visas are issued
- An amendment, voted on and defeated by 4 votes, to prohibit felons from getting Z visas.
- Amendments to ensure illegal immigrants cannot fill our courts with abusive litigation
- Amendments to provide additional resources and flexibility to state and local govts.
- An amendment to ensure drunk drivers are not given legal status.
- An amendment, voted on and adopted, that ensures that Z applicants who are denied a Z visa cannot hide behind their application from enforcement of immigration laws.
- An amendment to ensure Z applicants cannot jump in line in front of those waiting

### **A Failed, Anti-Democratic Process:**

1. Orchestrated by the White House, behind close-door negotiations began in early 2007 among a largely self-selected group of Senators. Claims that the process was open to any member with concerns misrepresent the simple fact it was the President (through his staff), Democrat Senators Kennedy and Salazar, Republican Senators Graham, Kyl, McCain and Martinez who crafted the language. Concerns offered by other members were either ignored or limitedly addressed through half-measures.

2. All negotiations by Republicans had to go through Ted Kennedy – the architect of 40 years of failed immigration policy – promising the same result we have received before: a terribly broken immigration system.
3. After these behind-closed-doors negotiations for months, the first distribution of text was made available at 2AM on Saturday (May 19) before proceeding to the bill’s consideration on Monday (May 21) and the final bill text was not provided until Tuesday (May 22) – the day after debate technically had begun on the bill late Monday (May 21).
4. The legislation filed on the floor of the U.S. Senate was drafted by the Executive Branch, not as is customary, by the Senate legislative counsel. The White House “had the pen.”
5. The bill was well over 300 pages in the form filed. If drafted by Senate legislative counsel, as is standard, the bill would have been approximately 700 pages in length.
6. Immigration law is highly technical and complex – and only a few staffers on Capitol Hill understand the details of it even today, much less the day the language was distributed. Staff is STILL today trying to understand the legislation.
7. Harry Reid and the Deal-Makers were demanding that Republicans begin filing amendments immediately to a bill the staff and Senators could not possibly understand.
8. When Senators concerned with the bill did begin filing amendments, Harry Reid, Ted Kennedy and the Deal-Makers were cherry picking which amendments they would allow to come up in order to minimize those that “might disrupt the delicate deal struck.”
9. Harry Reid and Ted Kennedy blocked all attempts to call up amendments and get them pending except for the narrow group they self-selected.
10. Following an enormous amount of work over Memorial Day Recess, Republicans began to offer amendments to begin to try to improve this flawed legislation –eventually filing more than 200 – but Democrats continued to block their efforts to offer those amendments, and gave allowed actual roll call votes on just 13 Republican amendments.
11. In the end, Harry Reid and Ted Kennedy blocked Republican attempts to call up amendments more than 12 times over the course of debate.
12. Democrats and the Deal-Makers often allege that there were two weeks of debate. FALSE. In all – there were less than 6 days of debate on this legislation. In week 1 (prior to Memorial Day), debate proceeded from midday Monday through midday Friday, with votes occurring only on Tuesday, Wednesday and Thursday. In week 2 (following Memorial Day), there was approximately 48 hours of actual debate – from 2PM Tuesday though the prematurely filed cloture vote on Thursday around 11:00AM.
13. Normal legislative process was not followed. Normally, legislation is filed and publicly available for weeks, or often months, before being considered in Committee. Then, the committee of jurisdiction has hearings, then takes the bill up and in the case of last year – the Judiciary Committee held at least 13 hearings and 6 “markups,” saw 357 amendments circulated, saw 60 votes taken resulting in 54 amendments adopted – spending 21.5 hours of actual business time on the bill. Then, there is debate on the Senate floor, with an opportunity to allow additional substantive debate and voting on amendments.
14. Democrats and some Deal-Makers allege that certain non-deal-making Republicans, including Senators DeMint and Sessions, acted in bad faith by objecting to votes on amendments after the first cloture vote on Thursday. FALSE. Those Republicans objected to the limited time being offered for debate before voting – a scant 45 minutes for 5 amendments that were substantive in importance and length. Harry Reid, Ted Kennedy and the Deal-Makers wanted to cherry pick the number of amendments and the time for debate – knowing that a full and open airing of this bill is bad for them. Reid then tried to call up a list of amendments to “make them pending.” Senator DeMint, having not seen the list, rightfully objected to preserve his rights and the rights of other non-deal-making Senators. This is why certain Democrats and certain Deal-Makers are alleging bad faith – the simple protection of rights of Senators to offer amendments.