

**S. 744 - ACLU Vote Recommendation for Cornyn “RESULTS” Amendment SA 1251**

**Status:** This amendment has been filed.

**What it does:** Senator Cornyn has introduced the “Requiring Enforcement, Security and Safety, and Upgrading Legitimate Trade and Travel Simultaneously” (“RESULTS”) amendment (SA 1251), which proposes to amend S.744 by requiring even more wasteful spending on border enforcement. Under the amendment, the path to citizenship would depend on arbitrary, unnecessary, and potentially unfeasible additional triggers, including a fully biometric exit system in use at all land ports of entry, which is estimated to cost billions and may not be feasible given existing practical and technological constraints. As the *Wall Street Journal* has written, “The reality is that the U.S. already spends vast sums on a border that is probably as ‘secure’ as it has ever been.” In addition to profligate border spending, the amendment would force DHS to begin removal proceedings against thousands of individuals with no criminal record and further overburden our criminal justice system.

**Vote Recommendation: The American Civil Liberties Union recommends a NO vote on the Cornyn “RESULTS” Amendment (SA 1251)**

**Possible Talking Points:**

- There is no reason to hold up the important process of bringing millions of aspiring citizens out of the shadows. We should not delay identifying and documenting those who are residing here and contributing to their communities.
- Under Senator Cornyn’s proposal, additional “triggers” would need to be met before aspiring citizens could begin the legalization process. S.744 already contains a bipartisan, stringent set of border enforcement actions that are a condition of legalization. Under the amendment, these would be replaced with an arbitrary set of metrics that do not provide an accurate assessment of border conditions or are simply unfeasible.
- Senator Cornyn’s amendment would require DHS to place thousands of people with no criminal history into removal proceedings, many based on technical problems with their visas. Under its provisions, DHS would be forced to expend massive resources begin removal proceedings, within 120 days, against 90% of individuals who have overstayed their visas.
- Senator Cornyn’s amendment wastes resources by proposing increases in border security that are not required by our security needs. Our country spent over \$11 billion on border enforcement last year alone, our Border Patrol is staffed at its highest level in its 88-year

history<sup>1</sup>, and border apprehensions have decreased by 49% in the last four years, approaching levels not seen for 40 years.<sup>2</sup> Existing provisions in S.744 already propose an alarming border build-up, including \$6 billion more for border enforcement activities. Senator Cornyn's amendment would funnel even more money into this already bloated budget at time when our country can least afford to waste valuable resources.

- If you add up the budgets of the responsible immigration and border enforcement agencies since 1986, the bill is \$219 billion in today's dollars — roughly the entire cost of the space shuttle program. “It is a sort of a mini industrial complex syndrome that has set in there,” House Appropriations Committee Chairman Hal Rogers says. “And we're going to have to guard against it every step of the way.”
- Senator Cornyn's amendment will place more resources into U.S. Customs and Border Protection, an agency with a history of abuse and corruption, without providing sufficient oversight and accountability.

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<sup>1</sup> Aguilar, David. House Judiciary Hearing Testimony, “S. 744 and the Immigration Reform and Control Act of 1986: Lessons Learned or Mistakes Repeated?” (May 22, 2013) [http://judiciary.house.gov/hearings/113th/05222013\\_2/Aguilar%2005222013.pdf](http://judiciary.house.gov/hearings/113th/05222013_2/Aguilar%2005222013.pdf)

<sup>2</sup> US Customs and Border Protection, “Total Illegal Alien Apprehensions by Fiscal Year”, [http://www.cbp.gov/linkhandler/cgov/border\\_security/border\\_patrol/usbp\\_statistics/usbp\\_fy12\\_stats/nationwide\\_appr\\_2000\\_2012.ctt/nationwide\\_appr\\_2000\\_2012.pdf](http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/usbp_statistics/usbp_fy12_stats/nationwide_appr_2000_2012.ctt/nationwide_appr_2000_2012.pdf)