

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
October 18, 2005

Statement of Senator Patrick Leahy,  
Ranking Member, Judiciary Committee  
Hearing on "Comprehensive Immigration Reform II"  
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I commend the Chairman for convening a second hearing on this important topic. Securing our borders is a challenge that we must face, no matter how complex and difficult. While tackling these issues we also need to recognize the key role immigrant labor plays in our economy and adopt practical guest worker programs that are supportive of that contribution.

In July, the Administration cancelled the appearance of its two scheduled witnesses, Michael Chertoff, Secretary of Homeland Security, and Elaine L. Chao, Secretary of Labor, just days before the hearing. It was the first of two such last-minute cancellations of administration witnesses before the Committee that week. I am pleased that Secretaries Chertoff and Chao are here today.

Since the July hearing, we have heard many rumors about a White House proposal on comprehensive immigration reform. Today, we will hear about the President's plan in broad terms, but apparently without significant detail. I believe that we should give all due respect to any serious attempt to reform our broken system, whether it comes from the Congress or the White House. I am disappointed, however, to see time slipping away. Over the summer, the Senate Majority Leader said that immigration is not likely to be taken up on the Senate floor this year. We all know that 2006 is an election year, making it difficult to advance proposals to solve our immigration problems free from campaign rhetoric and posturing. I hope that we can take up these serious issues this year, and avoid the pressure of an election cycle.

In May, Senators McCain and Kennedy introduced their bill, S.1033, the Secure America and Orderly Immigration Act. I have said many times that I believe the McCain-Kennedy bill is the appropriate starting point for the Judiciary Committee to consider immigration reform. This bill recognizes that much of the nation's economy depends on immigrant labor, and that some of those immigrants do not have legal status. The bill provides an opportunity for those workers to earn legal status. It contains border security and enforcement provisions.

Just prior to the July hearing, Senators Cornyn and Kyl introduced S.1438. Their approach supports the concept of a guest worker program but makes it exceedingly difficult for these non-citizens to obtain legal status. Illegal immigrants would have to leave the U.S. and then meet certain criteria before they could re-enter with legal, temporary status. The Cornyn-Kyl approach

contains some troubling provisions that we must review carefully. It would authorize state and local police to enforce federal immigration laws, a policy that could undermine community policing efforts in immigrant communities. It would also expand expedited removal programs, which are already hurting bona fide asylum seekers.

Border security is a pressing issue in Vermont. I remain concerned that the Administration seems to have ignored Congress' clear and consistent call for substantial increases in staffing for the Border Patrol. The Border Patrol's presence on our Northern Border was minimal before the September 11th attacks, with about 300 agents assigned to the 4,000-mile border. Last December, Congress passed and the President signed the Intelligence Reform and Terrorism Prevention Act of 2004, which mandated an increase of at least 2,000 Border Patrol agents for FY 2006, with at least 20 percent of the increased agents to be assigned to the Northern Border. The President's budget, however, would have provided only enough funding to add 210 Border Patrol agents, or about 10 percent of what Congress mandated. Moreover, it appears that, of those agents provided for in the President's budget, not a single one would be assigned to the Northern Border.

While I was disappointed that the Homeland Security Appropriations Conference Report passed by the Senate and House earlier this month failed to reach authorized levels, it did allocate a total of \$6 billion for securing our Nation's borders, which is \$378 million more than the President's request. This includes \$1.8 billion for border security between ports of entry, including hiring 1,000 additional Border Patrol Agents to reach the goal of 10,000 more agents over the next 10 years, and \$79.5 million to annualize the cost of 500 Border Patrol Agents funded in the Intelligence Reform and Terrorism Prevention Act of 2004.

The approaches to immigration reform that we will discuss today are complex. I commend Senators for studying the issues carefully and putting forward their proposals for our consideration. I look forward to today's hearing and thank all the witnesses for their contributions.