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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

March 19, 2013

The Honorable Patrick J. Leahy, Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy:

We write regarding your statement at the March 12, 2013, Executive Business Meeting that the Committee would take up comprehensive immigration reform legislation when the Senate returns from recess in April. We presume this statement was in reference to legislation reportedly being drafted by the "gang of eight" Senators.

As you are aware, this bill potentially could be the most dramatic and consequential alteration of our immigration system in nearly 30 years, impacting nearly every aspect of our legal and economic structure, and increasing entitlement spending to historic levels. Before the Immigration Reform and Control Act was first introduced in the Senate in 1982, the Committee had 100 hours of hearings with 300 witnesses before marking up a bill. Congress continued to debate the bill for the next three years, and even then, the Judiciary Committee spent three months reviewing the bill before it was reported in August of 1985. Accordingly, we respectfully request that the public be given adequate time, consistent with past practice in handling complex comprehensive immigration legislation, to read and analyze the contents of any such bill before it is listed on the Committee's Executive Business Meeting agenda. We further request that during this time, the Committee hold hearings on the overarching issues integral to the legislation.

The Committee has held only one hearing on comprehensive immigration reform on February 13th. While the Committee held a hearing on March 18th regarding the effect of reform on women and families, and a hearing is scheduled for March 20th on American values, we believe that hearings are necessary to examine implementation of the components essential to a workable system, especially given that 43 current members of the Senate were not here during the last debate in 2007. Some of those issues include future flow and a temporary guest worker program; border security metrics and solutions; interior enforcement, including worksite enforcement and employee verification; the impact of a large scale legalization on American workers and taxpayers; and the implementation of a biometric exit system, which the Government Accountability Office has determined to be the only method by which the

government can accurately track visa overstays. Moreover, the last Department of Homeland Security Oversight hearing was in April 2012, and members are still waiting for Secretary Napolitano to provide answers to follow-up questions. Members should have the opportunity to question the Secretary on these and other important issues before being asked to cast a vote on such critical legislation.

We believe the process we have set forth is necessary not only to ensure that members are properly educated on this complex measure, but also to ensure a fair and open process so that the American people know what is in any such bill. The last time Congress considered legislation of this magnitude that was written behind closed doors and passed with no process, it resulted in sweeping changes to our healthcare system, the negative consequences of which are only now coming to light. As you have said in the past, if we bring these important issues to the Senate floor without them having been worked through committee, it is a prescription for a real problem.

We do not make this request lightly and hope the Senators drafting such legislation will support our request. If we are serious about protecting our national interest and the best interests of American workers, we must provide all members of the Senate, and, most importantly, the public, a full and fair opportunity to become adequately informed. We believe the process we have described is in keeping with your longstanding commitments to regular order and transparency. We appreciate your consideration and look forward to working with you on this important issue.

Very truly yours,

Chuck Grassley

Orrin Hatch

Jeff Sessions

Mike Lee

John Cornyn

Ted Cruz

cc: The Honorable Harry Reid
The Honorable Mitch McConnell
The Honorable John McCain
The Honorable Richard Durbin
The Honorable Charles Schumer
The Honorable Lindsey Graham
The Honorable Robert Menendez
The Honorable Michael Bennet
The Honorable Marco Rubio
The Honorable Jeff Flake